DOCUMENT RESUME

ED 162 441 EA 011 050

AUTHOR	Dafce, Don M.
TITLE	The Governance, Organization, and Financing of Education for Alaska Natives.
INSTITUTION	Alaska Univ., Fairbanks. Center for Northern Educational Research.
SPONS AGENCY	National Inst. of Education (DHEW), Washington, D.C.
PUB DATE	Aug 78
CONTRACT	NIE-P-77-0241
NOTE	108p.; Not available in paper copy due to marginal legibility of original document
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	Access to Education; *Alaska Natives; *Educational Finance; Educational History; Educational Policy; Elementary Secondary Education; Equal Education; Federal State Relationship; *Governance; Government School Relationship; *Organization; Research Needs; State History
IDENTIFIERS	*Alaska

ABSTRACT

The history and current status of the governance, organization, and financing of education for Alaska natives are discussed in this report. The first chapter briefly summarizes key factors of geography, environment, economics, and population affecting educational development throughout Alaska's history. Chapter 2 covers the Russian period and the early United States period from 1867 to 1900. The emergence of the territorial government in the years 1900 to 1917 produced a turning point in Alaska's educational history, culminating in the creation of the Territorial Department of Education. This period, marking the formalization of the dual system of education, is discussed in Chapter 3. In Chapter 4 attention is focused on the parallel federal and territorial educational systems, with an emphasis on governance, organization, and financing. The first decade of statehood, when considerable attention was paid to education and state-federal relationships, is treated in Chapter 5. Chapter 6 centers on the 1970s. The last 30 years have seen many efforts toward bringing about a single school system in Alaska, but no final accomplishment. In Chapter 7 the current significant policy issues are reviewed and in Chapter 8 research questions that need to be explored are noted. (Author/JM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED162441

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

THE GOVERNANCE, ORGANIZATION, AND FINANCING OF EDUCATION FOR ALASKA NATIVES

Prepared for
The National Institute of Education
by
Dr. Don M. Dafoe
Adjunct Professor of Education
Center for Northern Educational Research
University of Alaska

This report is made pursuant to contract #NIE-P-77-0241. The amount charged to the Department of Health, Education, and Welfare for the work resulting in this report (inclusive of the amounts so charged for any prior reports submitted under this contract) is $6,500.00. The names of the persons, employed or retained by the contractor, with managerial or professional responsibility for such work, or for the content of the report, are as follows: Don M. Dafoe; E. Dean Coon.

Published by
Center for Northern Educational Research
University of Alaska
Fairbanks, Alaska
August 1978

EA 011 050

Table of Contents

Chapter		Page
	Introduction and Acknowledgments	1
	Organization of the Paper	1
	Acknowledgments	3
I	Factors Influencing Alaska's Educational Development	5
	The Alaska Environment	5
	Economic Factors	5
	Nature and Distribution of the Native Population	6
II	The Russian and Early U.S. Period: 1741-1900	8
	The Russian Period: 1741-1867	8
	The Early U.S. Period: 1867-1900	9
III	The Creation of the Dual System: 1900-1917	13
	The Dual System from 1905-1912	14
	Emergence of a Territorial System of Education	15
IV	Federal - Territorial Education and Relationships: 1917-1959	17
	Early Policies Toward Native Education	18
	Territorial Rural Schools, Pre-Statehood	20
	Federally Operated Schools, 1917-1959	21
	Steps Toward Merger of the Rural Schools	23
V	The First Decade of Statehood: 1959-1969	29
	Introduction	29
	The State Education System	30
	Federal Policies Affecting Alaska Native Education	32
	Progress Toward Unification	32
	Summary	33
VI	Current Status	36
	Schools in Organized Boroughs and Cities	36
	Schools in the Unorganized Borough	37
	Alaska Education Revenues	39
	Alaska Native Needs Assessment in Education	40
	A Landmark Agreement--The Tobeluk Case	41
	Progress Toward Unification	42
	The BIA Task Force on Alaska School Transfer	42
	Actions Following the Task Force Report	45
	Current Status of Unification	46
	Current Organization	47

Chapter Page

VII Policy Issues 51
Introduction 51
Criteria for Selection of Policy Issues 52
Policy Issue: Financing of Transferred Schools 53
Policy Issue: The Matter of Village Concurrence 56
Policy Issue: Application of the Indian Self-Determination Act to Native Education in Alaska 58
Policy Issue: The Financing of the Alaska Rural Education Attendance Areas 59
Policy Issue: Providing High School Education for Rural Alaska 60
Policy Issue: The Definition of Basic Need 62
Other Policy Issues 65
Summary 67

VIII Research Questions 68

Appendices 73

A Bibliography 74
B Footnotes 80
C General Agreement Between the State of Alaska and the Bureau of Indian Affairs, March 1, 1962 85
D BIA Schools Transferred to the State of Alaska, 1967-71 88
E Locations Where Educational Responsibility Has Been Transferred by BIA to Territory, State, or Local School District 89
F Correspondence and Events Relevant to School Transfer Problem 91
G Schools and School Districts in Alaska, July 1, 1976 98
H Map Showing Locations of Schools and School Districts in Alaska, July 1976 103
I List of State and Federal Officials Interviewed 105

List of Figures

Page

Figure 1: State and Local Agencies of School Governance 47

Figure 2: Local Government Units Responsible for Public Schools in Boroughs or Cities 48

Figure 3: Past and Present Organization for State-Supported Schools in the Unorganized Borough 49

Figure 4: Organization of Bureau of Indian Affairs Schools in Alaska 50

List of Tables:

Table 1: Revenue for Current Operating Expense for the Three Alaska School Systems By Source for FY 1974 FY 1975 FY 1976 39

INTRODUCTION AND ACKNOWLEDGMENTS

In the preparation of this paper it is assumed that the primary concern is with the governance, organization, and financing of public education for Alaska Natives on the elementary and secondary levels. While there will be some comment on programs and content, it is not these areas which have been at the center of discussions about education of Alaska Natives over the years.

The term "Native" in Alaska is used to refer to the Indians, Eskimos, and Aleuts as a collective group. For many years the term has been used by government agencies for reporting statistical information on Alaska aborigines with one fourth or more aboriginal blood.[1] This distinction is also used under the Alaska Native Claims Settlement Act and is the designation preferred by the aboriginal people themselves.

There has been an acknowledged dual system of education in Alaska since the turn of the century. While it may originally have come about from some segregationist attitudes, it has been perpetuated by a variety of factors chiefly related to governmental organization, economics and finances, the Alaska environment and geography, and the characteristics of Alaska's population.

Organization of the Paper

In a comparatively brief report one cannot go into extensive detail on these factors for each historical period. The first chapter of the paper, therefore, briefly summarizes key factors of geography and environment, economics, and population which have affected educational development to some extent through all of Alaska's history. The influences of governmental organization and legislation, including Federal, Territorial and State, are noted and discussed in the treatment of significant historical periods in the chapters which follow.

Chapter II covers the Russian period and the early United States period from 1867 to 1900. Congressional actions and the emergence of territorial government in the years from 1900 to 1917 mark a turning point in Alaska's educational history culminating in the creation of the Territorial Department of Education. This period, which really marks the formalization of the dual system of education, is treated in Chapter III.

In Chapter IV attention is focused on the parallel Federal and Territorial educational systems looking at governance, organization, financing, and briefly at educational programs. A review of merger attempts is provided with finally a look at the situation and relationships at the coming of statehood. The first decade of statehood which saw considerable attention paid to education and State-Federal relationships is treated in Chapter V.

Chapter VI, Current Status, begins with the 1970's during which there have been a number of significant developments which have a strong bearing on the 1977 status. Actually 1977 marks the thirtieth year since the first serious attempts were made to bring about a single school system in Alaska, years in which there have been many conferences, many proposals, some agreements, some progress, but not final accomplishment.

In Chapter VII the current significant policy issues are reviewed, and in Chapter VIII research questions which need to be explored are noted.

The education of Alaska Natives cannot be treated in isolation but must always be considered in the context of its relationship to pre-Territorial, Territorial, and State education systems. Although there has been a dual system with Territorial-State systems operating alongside schools operated by a Federal agency, there has not been complete segregation of Natives and non-Natives. Since the early 1950's there have always been more Native pupils enrolled in schools operated under the Territorial-State system than there have been in the Federal schools. There has been recognition and acceptance by Territorial-State and Federal officials that the Alaska Natives are not wards of the government and that the Federal government does not have a specific legal obligation to operate schools for Alaska Natives. There have been, and continue to be, sincere efforts to entirely eliminate the dual system but these have failed largely because of financial considerations.

There has been extensive review and treatment of the dual system and the education of Alaska Natives. The works of Ray, Keller, Koponen, Marsh and Darnell listed in Appendix A, Bibliography, will be of particular interest to any persons wishing to review the subject in depth. These sources refer to and include in their bibliographies many very important original sources such as the reports of the Territorial Commissioners of Education and the several Federal agencies which have held responsibilities for Native education. Nearly all of these documents as well as the publications referenced in this work are available at the University of Alaska's Rasmuson Library at Fairbanks.

There are literally reams of statistics on education in Alaska, Native and non-Native, which are included in the referenced sources. Only a very few which have a major bearing on the question of elimination of the dual system will be included in this paper. The 2(c) Report on Federal Programs for Alaska Natives, listed in Appendix A, Bibliography, is an excellent source of current health, education, housing, socio-economic, and demographic factors.

Appendix A, Bibliography, includes all works directly referred to in this paper as well as some other sources which might be of interest to persons pursuing this subject. The text of the paper includes "footnotes" which are numbered sequentially and refer to Appendix B, Footnotes, rather than using the conventional bottom-of-the-page system. Other appendices include documents which are important for immediate reference.

Because the educational work of the Federal government in Alaska has been carried out by differently designated bureaus, the term Federal schools or Federal education has been used in most of this paper. The term Territorial-State has been used to designate school operations carried out under appropriate Territorial or State laws. While the term dual system has been commonly used to refer to the parallel Territorial-State and Federal school systems, there has in reality been a rather complex tripartite system in Alaska since 1917. Two parts--the schools in organized districts and those directly operated by the Territory, and later by the State--have been responsible to the Territory or State while the third element has been the Federally operated schools.

Acknowledgements

In the preparation of this paper I have received a great deal of assistance from the staff of the Center for Northern Educational Research of the University of Alaska. I am particularly indebted to Anne Just, Dean Coon, and Jerry Waddell for their advice and counsel and to Ruth Glavinovich for research and editorial assistance. The opportunity to review matters related to the current status and issues with Commissioner of Education Marshall Lind and some of his staff and with Bureau of Indian Affairs Juneau Area Office Assistant Director for Education, Emil Kowalczyk, has been most helpful.

Don M. Dafoe
Willow, Alaska
September 1977

Chapter I

FACTORS INFLUENCING ALASKA'S EDUCATIONAL DEVELOPMENT

The purposes of this paper are to provide an historical overview of the education of Alaska Natives, a description of the current status of Alaska Native education, a discussion of policy issues and a series of research questions rising from those issues, and a discussion of the financing of education in Alaska. These purposes can be met only if some of the factors which have had a strong influence on the development of both the Territorial-State and the Federal programs of education are known. Selected factors are briefly reviewed below.

The Alaska Environment

The physical geography of Alaska has strongly influenced past and present educational development. Vast distances between villages, the rigorous climate in most of the rural (bush) villages and, until very recently, minimal radio and telephone communication each presents a barrier to development.[2]

Economic Factors

Overall trends in the economy of the Territory, and now State, and its population have had an influence on the development of schools, both Native and non-Native. Alaska has experienced varying periods of prosperity and recession, largely due to mining and oil development and governmental and military activities. Of particular significance are the unusual financial demands brought about by the Alaskan environment and also the specific economic conditions of the Native villages.

The personal income of Alaskans in cities and larger towns has been well above the national averages, but must be considered in the light of high living costs. The tax base in the incorporated areas plus the relatively generous level of Territorial and State support has permitted schools in the incorporated areas to develop reasonably adequate facilities and school programs. However, the schools in the unorganized areas which have been dependent almost exclusively on Territorial-State and Federal funding have not fared as well.

The presence of the Federal dollar both in the direct operation of day schools and boarding schools for Natives and in P.L. 874 and Johnson O'Malley Act funding assistance for other schools has been important and, particularly in territorial days, vital. The fact that the Territory of Alaska was not permitted by the Federal Government to incur indebtedness had a strong bearing on the provision of facilities and funding of school operations. At present, the Federal attitude toward funds for Alaska has no doubt been strongly influenced by statehood itself and greatly affected by the bright economic outlook which the oil development has brought about.

In sharp contrast to this outlook is a demographic survey of the Fairbanks district made by the Bureau of Indian Affairs in 1960[3] showing a high degree of Native dependence on subsistence economy. The cash income level per person for Native Alaskans has been a great deal lower than for the non-Native population.

Although firm statistics are not yet available there is evidence that the economic condition of the Native population has improved with the advent of the Regional and Native Corporations under the Native Claims Settlement. The 2(c) Report: Federal Programs and Alaska Natives[4] notes some of the changes; but there remains a strong belief that the extent to which the Native population will be able to share in the potential economic prosperity of the State will very much depend on the adequacy of the educational programs, both elementary and secondary, to which they have access.

Nature and Distribution of the Native Population

Until 1930 the Native population in Alaska outnumbered the non-Native population; but the Natives were not considered to be the dominant culture because of their widely scattered locations in remote villages and because of their economic status. Since 1930, there has been a notable increase in the non-Native population; however, the Alaska Native population represents a considerably higher proportion of the total population (estimated to be 60,000 of the total state population of more than 350,000) than does the Indian population in any other state. Relevant characteristics of the Alaska Native population as noted in the 2(c) Report[5] are pertinent here:

1. Two-thirds of all Natives live in villages where they constitute the overwhelming majority of the population. The majority of these villages have a population of less than 300. Tney not only indicate a preference to live in the village but expect that their children will as well. Their lifestyle is distinct from non-Native Alaskans.

2. By most conventional measures of well-being, Natives are greatly disadvantaged compared to non-Natives. Non-Natives are richer, better educated, healthier, longer-lived, better housed, more mobile, and higher in educational status.

3. The Native population is attached to its traditional values and at the same time wishes to participate in responsibilities and benefits of modern ways. They do not see their preferences for the village and a partial subsistence economy as inconsistent with the advantages of education, improved health care, better housing, transportation, communication, and other amenities.

4. The Native population is young with half 18 years of age or below and much less than half in the productive 16-64 age group. The population is growing because of high fertility rates and falling mortality rates.

5. While the population of urban Natives may be expected to grow at a faster rate than the villages, the expected larger overall Native populations (estimated to grow from about 60,000 in 1971 to 85,000 in 1991) will result in larger village populations as well, thereby placing increasing demands on limited subsistence resources and for education and public services.

With Native village populations on the increase, there will be a continuing problem of how best to meet the educational needs of these village peoples, particularly on the secondary level.

Keeping these factors in mind, let us now turn to an historical overview by periods of time noting turning points and events which have particularly affected education.

Chapter II

THE RUSSIAN AND EARLY U.S. PERIOD, 1741-1900

The original inhabitants of the State, estimated to number 74,000 in the mid-1700's, represented four distinct cultures: (1) the Eskimos; (2) the Aleuts; (3) the Athapaskans; and (4) the Tlingit, Haida, and Tsimshian Indians. The Natives, and their land, became a part of the Russian empire following discovery by the Russians in 1728. Russian rule continued until the sale of Alaska to the United States in 1867. A general review of conditions in Alaska during the Russian Period and the early United States Period follows.

The Russian Period: 1741-1867

While the peoples of Western Europe were exploring the Western Hemisphere during the sixteenth and seventeenth centuries, the Russians were conquering and exploring through Siberia to the Pacific Ocean. Subsequently, Vitus Bering discovered St. Lawrence Island in 1728 and Bering and Chirikof in 1741 and 1742 reached several places in the Aleutian Islands. Actual colonization of Alaska was not begun until 1783 when Shelikof, later called the father and founder of Russian colonies in America, established a settlement on Kodiak Island.

For the first half century after the discovery of Alaska, little attention was paid to education. Drawing heavily on the work of Bancroft,[6] William Keller, a long-time Alaska educator and former Territorial Commissioner of Education, provides an excellent review of the Russian period in an unpublished dissertation, dated 1941.[7] Keller notes that Shelikof, who had established the first school, toward the end of the century was granted a monopoly of trading rights in Alaska for a 20-year period. When the charter was renewed in 1821 it contained a provision that the Russian American Company maintain schools and churches at its own expense.

In 1839, the company established a school at Sitka which was primarily for girls. At about the same time, a boys' school was established and, subsequently, in 1860 there were 22 pupils in the girls' school and 27 in the boys' school. The Russian Orthodox Church was establishing missions at the same time; according to Bancroft,[8] over 10,000 natives were baptized. As late as 1860, there were six of the mission schools still in operation.

Even after the purchase of Alaska in 1867 by the United States, the Russians continued to operate schools in Alaska. There were six church schools (at Kodiak, Amla Island, Nushagak, Kvikhpak, Bering Island, and Unalaska) and three company schools in Sitka. Already we might observe the beginnings of a dual system of education since the mission schools primarily served Natives and children of mixed blood while the company schools as they existed in 1867 were designed primarily to serve the Russian population.

Marsh[9] notes that the Church spent annually $40,000 for church work and $20,000 for schools. Territorial Governor A.P. Swineford, in his report to the Secretary of Interior for the year 1887, reported:

> It is a noticeable fact, in my opinion not altogether creditable to us, that the despotic government of Russia expends annually more money for the education and christianization of the native people of Alaska than does the professedly more free, liberal and enlightened one to whose care and protection they were transferred 20 years ago.

The last Russian school to close was a girls' boarding school in Kodiak in 1916 bringing to a close after a period of 131 years the educational activities of the Russian government in Alaska.

The Early U.S. Period: 1867-1900

The Crimean War appears to have been a turning point during which Russia came to the realization that her American possessions were becoming a problem: Russian leaders were concerned about defending their overseas possessions and saw no need for trying to protect undeveloped land. Consequently, for these and other economic reasons, U.S. Secretary of State Seward was able to bring about the Alaska purchase for $7,200,000.

A. Government--or the Lack of It

Ernest Gruening, in his definitive history of Alaska, has described the period from 1867-1884 as "The Seventeen Years of No Government" and "The Era of Total Neglect."[10] He notes that:

> [N]o hopeful settler could acquire title to land; no pioneer could clear a bit of forested wilderness and count on the fruits of his toil, or build a log cabin with the assurance that it was his; no prospector could stake a mining claim with security for his enterprise; property could not be deeded or transferred; no will was valid; marriage could not be celebrated; no injured party could secure redress for his grievances except through his own acts; crime could not be punished.[11]

Congress passed only a few laws pertaining to Alaska. A Customs Act extended U.S. tariffs to the area and Congress also extended to Alaska laws regarding commerce and navigation and prohibiting the importation and sale of distilled liquors, with the provision that district courts in Oregon or California were to adjudicate the act. Congress also passed an act making the Pribilof Islands a reservation and gave a twenty-year exclusive concession of the fur seals to the Alaska Commercial Company.

Most conspicuous, however, was the failure on the part of Congress to provide any type of enabling legislation for local governmental activities. Without such there could be no recognized civil government, no incorporated towns, no tax systems, and no system of public education.[12]

Immediately after the purchase and transfer, the War Department had sent General Davis and troops to establish military occupation with the expectation that Congress would at its next session organize a civil government. With this expectation the capital of Sitka enjoyed prosperity and a real estate boom for about a year until residents were informed that because of a lack of enabling legislation their claims to lands in the townsite were invalid. The provincial government which they had organized with General Davis' consent, including a provision for schools, continued until 1873. However, since no enabling legislation came about, and with the military commander changing his attitude as to the necessity for civil government, the civil government came to an end.

In 1877, following the military withdrawal, the customs collector, M.T. Ball, became the government in Alaska for two years. Ball, as delegate to Congress, and Sheldon Jackson, a Presbyterian missionary, attempted to move Congress for enabling legislation for civil government. Their actions led to five messages to Congress by Presidents Hayes and Garfield.

The First Organic Act of 1884 established Alaska as a civil and judicial district with the temporary seat of government at Sitka. It provided for the appointment of a Governor, a District Judge, a Clerk of the Court, a District Attorney, four Commissioners having the general powers of a justice of the peace, and a Marshall and four deputies--all presidential appointees. Mining laws were extended to Alaska, but general land laws were not. The General Laws of Oregon were declared to be the law of the Alaska district.

Although this Act did recognize the existence of Alaska, it could be considered significant more for what it did not do than what it did.

Alaskans were not contented with the First Organic Act--they could still make no laws nor levy any taxes. They continued to seek territorial status; but while Congress did give some consideration to the issue of a delegate, it was not until the Klondike and Nome gold rushes that serious attention was again given to Alaska.

From 1898 to 1900 Congress supplemented the Organic Act with three extremely significant laws: a transportation and homestead act; a criminal code with a provision for levying taxes for its enforcement; and a civil code providing for a legal system with its own courts, for the incorporation of towns, and for the creation of school districts in incorporated towns. Although true territorial status was still a few years away, a breakthrough had been made.

B. Schools--or the Lack of Them

For the first seventeen years of the American period, the cause of education languished. It was early apparent that the U.S. Government had little interest in providing for education. Only two American schools were established on the Pribilof Islands under the terms of the contract between the government and the Alaska Commercial Company. Later these schools came under the Territorial umbrella on a contract basis.

Besides the Russian church schools, several other denominations performed educational work in Alaska and performed considerable educational service on their own and under government contracts. Presbyterian, Moravian, Catholic, Methodist and Episcopal denominations all had some schools in the 1867-1900 period. Governor Swineford's report for 1888, quoted by Marsh,[13] gave at least some idea of the relative amount of educational work conducted by the various religious denominations, showing that 28 of 43 schools were supported by these groups:

Government Schools	13
Alaska Commercial Company Schools	2
Russian Church Schools	17
Other Church Schools	11

Perhaps the most unusual missionary enterprise undertaken in Alaska was that of Father William Duncan who brought nearly 1,000 Indians from British Columbia to Annette Island where he established the village of Metlakatla. In 1913 the U.S. Bureau of Education established a school there since Father Duncan was not providing education for the Natives.

Overall, public or government supported schools were sadly lacking in the early American period. Vincent Collier, Secretary of the Board of Indian Commissioners, in 1869 recommended an appropriation of $100,000 for providing schools for the Natives of Alaska. Congress did appropriate $100,000 for the support of schools among Indian tribes but the record shows that little of this ever reached Alaska.

The Reverend Sheldon Jackson, Superintendent of the Presbyterian Missions in Alaska during this period, was well acquainted with John Eaton, U.S. Commissioner of Education, and consistently urged Mr. Eaton to fight for the Alaska education cause. Through the efforts of Jackson and Eaton, the publicity given to Alaska apparently gained the attention of President Hayes and later President Arthur who both pressed for legislation for Alaska. On May 17, 1884, the Harrison

Bill known as the "Organic Act" was passed. Section 13 of that Act provided:

> That the Secretary of Interior shall make needful and proper provision for the education of children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

With this meager appropriation schools were to be established over the entire area!

Reverend Sheldon Jackson, appointed as General Agent of Education in Alaska, faced a tremendous task. He first opened schools in Juneau, Sitka and Unalaska. He then attempted to make contracts with various missionary societies for conducting schools, but a protest to "subsidizing religion" caused the abandonment of this practice in 1895.

A code of regulations for the conduct of schools in Alaska, promulgated by the U.S. Commissioner of Education in 1887, provided for a Territorial Board of Education consisting of the Governor, the U.S. District Court Judge, and the General Agent. The U.S. Commissioner in Wrangell and Father Duncan of Metlakatla were added to the Board in 1888. However, because of problems in transportation and communication, it was deemed advisable in 1890 to dispense with the central Board and create local school committees; these were discontinued in 1903.

Keller[14] put together tables which showed that the Congressional appropriations for education in Alaska in the years from 1884 through 1899 totaled only $495,000. At the turn of the century, there were six non-Native schools, four schools of mixed non-Natives and Natives, and fourteen schools for Natives being operated by the U.S. Government enrolling a few more than 800. While no firm figures of enrollments in missionary schools are available, estimates were that around 400 pupils attended these schools. Estimates were that more than 150 villages in Alaska were without school facilities and that less than ten percent of the children of school age were being served.

Chapter III

THE CREATION OF THE DUAL SYSTEM: 1900-1917

Although the Organic Act had provided that the government was to establish schools in Alaska "without regard to race" there had developed by 1900 the beginnings of duality. The policies of the Bureau of Education coupled with geographical factors and heavy dependence on mission schools resulted in apparent neglect of the education of non-Natives.

By 1900 the young, non-Native population of Alaska were actively seeking self-government and were concerned about the lack of schools. Their pressure and the urgings of Governor Brady stimulated Congress to pass a Civil Code and Code of Civil Procedure for Alaska in June of 1900. The act provided, among other things, for the incorporation of towns and the establishment within them of school districts for non-Native children. Fifty percent of fees and licenses were to be retained in Alaska and from these funds it was expected that schools would be supported. Almost immediately school districts with elected three-member boards were established in Juneau and Skagway, and by 1903 seven other communities had organized city school districts. While these districts had no external control or coordination until the establishment of a Department of Education for the Territory in 1917, they were the forerunner of the school district system for incorporated areas which from 1917 until 1976 has constituted one component of the Territorial-State system, the other being the rural schools in unorganized areas.

It is important to note that these city schools were specifically for non-Native children, a fact which came about because of concern that these children were being slighted by the Native-oriented Bureau of Education. This action only served to strengthen the tendency for the Bureau's schools to become schools exclusively for Natives. Coincident with this, many of the small unincorporated villages coming into existence simply could not be provided with schools. Gruening, citing a 1905 report of the Secretary of Interior, noted that in 1904 there were 177 villages without school facilities.[15]

Senator Knute Nelson of Minnesota, a member of a Congressional investigating committee sent to Alaska in 1903, introduced legislation which profoundly affected Alaska education and established the pattern which still prevails. The Nelson Act, as it became known, provided that one-fourth of the "Alaskan Fund," made up of fees received for licenses outside towns, was dedicated to schools, provided for greater local school control, and in Section Seven created virtual school segregation in the following language:

> That the schools specified and provided for in this Act shall be devoted to the education of white children and children of mixed blood who lead a civilized life. (Underlining added.)

> The education of Eskimos and Indians shall remain under the direction and control of the Secretary of Interior, and schools for and among the Eskimos and Indians of Alaska shall be provided for by an annual appropriation....[16]

There soon arose the need to define the difference between children of mixed blood who lead a civilized life and those who did not. Citing excerpts from the Compiled Laws of Alaska, 1913, Darnell notes that the Alaska District Court, in Davis v. Sitka School Board, rendered a decision that school boards were not compelled to admit children of mixed blood who do not lead a civilized life and then established the following test to determine whether a civilized life was being led:

> The test to be applied should be as to whether or not the persons in question have turned aside from old associations, former habits of life, and easier modes of existence; in other words, have exchanged the old, barbaric, uncivilized environments for one changed, new, and so different as to indicate an advanced and improved condition of mind, which desires and reaches out for something altogether distinct from and unlike the old life.[17]

Thus, the Nelson Act and resultant court decisions set a pattern for education in Alaska which persists in part in Alaska to this day. Supporters of the Nelson Act perhaps did not plan on the Alaskan government ever being responsible for Native education, a racially segregated system having been one of their apparent goals.[18] Conversely, as more and more village schools were established, an appreciable number of them were supported and administered by the Alaska government, not just by the Federal government. Subsequently, conditions and attitudes changed, and the Territory inherited some Native schools and accepted others through a transfer process.

The Dual System from 1905-1912

Following passage of the Nelson Act, the U.S. Bureau of Education made substantial changes in its operating procedures. A reorganization in 1906 created an Alaskan Division and superintendents for various districts in Alaska were appointed.

The approach of the Bureau appears to have been a paternalistic approach, teaching social processes including health and welfare as well as carrying out an educational program designed for adaptation to the non-Native culture rather than assimilation. Teachers were conceived of as social workers and the schools as a social center. A systemwide course of study adopted in 1911 was designed to meet the objectives noted above. A clear distinction having been made of the Bureau's responsibility because of the Nelson Act, and with more adequate funds having been provided, the Bureau of Education was entering a relatively stable period.

While the "Nelson school" component of the dual system underwent some administrative changes and enjoyed growth during this same period, no structure for these schools had emerged by 1911. An agent of change, the Second Organic Act, passed in 1912, was soon to alter this situation by conferring territorial status on Alaska.

Emergence of a Territorial System of Education

The Second Organic Act officially established Alaska as a Territory of the United States, allowing Alaskans to enjoy a greater degree of local control than before. However, the government was part local and part Federal with the Governor and Secretary of Alaska appointed by the President. The legislature could enact laws and levy taxes under certain limitations but neither the territory nor any municipal corporation could borrow money or incur indebtedness.

This latter limitation obviously affected subsequent development of an education system. The most important provision of the act relating to schools was that the Territorial legislature could not change the Federal school laws. However, in an early display of initiative and independence, which has become a characteristic of Alaskans, the Territorial Legislature of 1915 passed a Uniform School Act which provided:

> That a general and uniform system of schools shall be maintained throughout the Territory of Alaska and shall embrace common schools, including high, grammar, primary and kindergarten schools, and such other schools as may be hereafter created; provided, that nothing in the Act shall be construed as referring to or as including schools for Alaska Natives which are now and may hereafter come under the control of the Federal Government and be administered and supervised through the United States Bureau of Education and the Department of the Interior. (Session Laws of Alaska, 1915, Chapter 74, Section 1.)

Other sections of the Act provided for a Territorial Board of Education and a Superintendent of Public Instruction; provided for terms of office; defined qualifications and set forth powers and duties; and earmarked specific percentages of tax income for schools. A second law, Chapter 59, modified the Nelson Act to provide for establishment of schools in communities wherever ten children of school age resided rather than the twenty stipulated in the Nelson Act.

To the surprise of no one, these laws, which were clearly beyond the authority of the Legislature, were declared invalid by the Solicitor of the Department of Interior. The Legislature, in response to this ruling, passed a memorial requesting the Federal government to relinquish authority for the education of non-Native children and children of mixed blood leading a civilized life, with the justification being that the support of schools was through taxation of Alaskans and, therefore, Alaskans should be able to control them.

Two years later Congress did recognize the memorial when in the repeal of the Organic Act the Territorial Legislature was granted the authority to legislate for schools. Actually the granting of the authority was mostly precipitated by the action of Congress in 1915 passing what has been called the "bone-dry" law in response to a referendum wherein the people of Alaska had voted for prohibition. Since much of the revenue for schools had been dependent on liquor revenues, there was an immediate shortage of funds for schools. Thus, it appears that the Congressional action granting authority for the Territory to legislate for schools was based more on financial considerations than on wanting to give Alaskans more control over their own affairs.

The 1917 Session of the Territorial Legislature then reenacted the Uniform School Act with some modifications. Of great significance in the passage of this Act, however, is the fact that the first section exempting schools for Natives maintained by the Bureau of Education from Territorial responsibility was unchanged from the original Act of 1915. Alaskans had assumed responsibility for support and management of much of the educational program but had avoided responsibility for Native education--the pattern set by the Nelson Act was retained in the Territorial statutes.

The dual system was firmly established.

Chapter IV

FEDERAL-TERRITORIAL EDUCATION AND RELATIONSHIPS 1917-1959

In considering the conduct of programs for the education of Alaska Natives, it is necessary to look at the parallel Territorial-State and Federal systems. Although originally the Territorial system was established primarily to serve the non-Native population, over the passing years the distinction of blood lines became less important than geographical and financial considerations. As the school system in incorporated cities and towns grew, less attention was paid to the separation of education for Natives and non-Natives within their borders although separate schools did persist in some few locations as late as 1957.

When the Territorial Department of Education was created, the first Commissioner of Education faced the task of developing rules and regulations for the control and supervision of the schools within organized cities in much the same manner as any state education head. As the head of the Department of Education he had an involvement with local city school boards with regard to financial support, teacher qualifications, and curriculum. He also served as the "superintendent" of Territorial schools outside the organized areas. Although there were local boards provided for in the Uniform School Act, they had limited authority and were directly responsible to the Commissioner of Education. (They were abolished in 1932.)

The development of governance, organization, and financing of the schools within the boundaries of organized school districts under the leadership of the Territorial Board of Education and the Territorial Commissioners of Education followed much the same pattern as in the continental United States. Just a few generalizations about schools in the organized districts and their control and support should be made before direct consideration of Native education concerns. The legislative record will show that the people of the Territory and State have been interested in providing for good schools--the amount or degree of financial support from that level has been consistently well above the averages of other states. Local districts have seen fit to give usually adequate support for schools and to provide for adequate school facilities to the extent of their ability. Throughout the Territorial period the Department of Education supervision and control, particularly of budgets, was quite extensive, perhaps even paternalistic.

The Federal participation in the financing of Territorial schools, both inside and outside of districts, has been largely on the basis of some operational contracts and the same categorical aids as found in other states. With the advent of P.L. 815 and 874 in 1951 and the granting of a preferential entitlement rate to the territories, including Alaska, the Federal percentage of school financing has been higher than in other states. Continuation of the preferential rate after statehood through the

Alaska Omnibus Act of 1958 has continued to give Alaska schools a relatively high measure of Federal funding. However, a five-year phaseout of the preferential rate is now under way.

Since the 1940's, there has been widespread interest in and concern about the conduct of programs for the education of Natives, particularly in the areas outside of the organized school districts. The schools operated directly by the Territory were commonly referred to as "schools outside organized districts" or "bush schools." In early years the schools operated by the Federal Government were referred to as "Government Schools," later as "Native Schools," and still later, more commonly as "BIA Schools."

For the remainder of this paper the term "rural schools" will be used, designating those operated by the Federal government as Federal rural schools and others as Territorial-rural or State-rural. The term "dual system" is used when referring to the two school systems serving the rural areas. When referring to schools within incorporated areas the term "district schools" will be used. Any other special categories of schools such as Private and Denominational and Alaska On-Base Schools will not be considered a part of the rural school system.

Early Policies Toward Native Education

At the time the Territorial Department of Education came into being there were forty-six rural unincorporated communities with schools enrolling over 1,100 pupils. That same year the U.S. Bureau of Education operated seventy-one schools in rural villages and areas enrolling over 3,500 pupils. The dual system was an established fact in the rural areas, created on the premise that Natives were to be educated separately from the non-Native population.

Although Governor Riggs, first territorial governor, expressed a view that the Native population were highly valuable members of society, they were not free to "come and go as they pleased" in schools. The official view of the Governor as expressed in his report of 1920[19] was that the Territorial government was not responsible for the education of Natives and only "in the interest of public welfare" did the Territory contribute toward the education of some Natives. He further expressed the official attitude of the Territory when he reported:

> (the Federal Government) should extend its excellent system of education to all full-blooded Natives and those of mixed blood as the drain on the Territorial treasury is very great.[20]

The Territorial Commissioner supported the official view of the Governor. In his first official report he noted:

> There are several objections to the maintenance of a unified system of schools for white and Native children, the principal ones being the irregularity of attendance of Natives and their inability to conform to the standard of the whites in the matter of health and sanitation. In the outlying school districts where the enrollment is made up, as in some of the schools, entirely of children of mixed blood, these objections are not so serious. The highest good of both races, however, seems to require separate schools for at least a few decades. (Underlining added.)[21]

Subsequently, in the same report, in part contradicting previous statements, Henderson expressed the position that "...the admission of Native children has been left very largely in the hands of local school boards." Thus, the policy of the Governor and the Commissioner were in part ambiguous. However, it appears to conform to the position of the legislature establishing the system of schools: it was to be uniform but only for white children. At the same time a policy of the Bureau of Education provided a similar arrangement. While Bureau schools were intended to be exclusively for Native pupils, an exception could be made. If there was no territorial school in a community where there was a Federal school, Bureau rules allowed "mixed bloods as well as white children who may reside in the community" to be admitted.[22] In apparent contradiction of both these policies, separate schools in the traditional stateside sense did not emerge, and the apparent original intention of establishing two school systems within each community came about in only a few instances. Seldom did a village contain both a Territorial school and a Federal school--although the last instance of separation in the same village did not cease until 1967 (Northway). But as the racial composition of Territorial rural schools became increasingly Native, the original purpose of racial segregation was obscured.

A review of the operational practices of both agencies does not show a logical nor necessarily consistent pattern for determining whether particular villages came into the Federal or the Territorial structure. Usually villages with schools established early in the American period, particularly villages served by mission schools, remained in the Federal system. Usually, but not always, schools in remote villages with nearly exclusive Native population were Federally established. Generally the new schools added to the Territorial system were in villages along the coast, in the Aleutian Islands, or on the roadbelt or railbelt where the problems of supply and communication were not so acute and where there was usually a segment of non-Native population. In many instances Territorial officials were willing to open a school in communities with a small non-Native population augmented by Native pupils so that numerical requirements for opening the school could be met.

The Territorial "policy" (or perhaps, arrangement) permitting Native pupils to enroll in Territorial schools where no Federal schools existed eventually led to a greater number of Native pupils in Territorial rural and district schools than in the Federal schools. Reports of the Territorial Commissioner of Education, examined by Darnell, show that in 1920 there were 819 Native students in Territorial schools and over 3,600 in Federal schools. At the time statehood came there were 6,144 Native pupils in the Territorial schools and 4,300 in the Federal schools.[23]

Territorial Rural Schools, Pre-Statehood

Although the number of Native pupils in Territorial schools continued to increase until by 1934 approximately one-third of the Native pupils were in non-Federal schools, the official position of the Territory continued to be that Native education was the responsibility of the Federal government. The year previously the laws applicable to Alaska, both Federal and Territorial, had been codified into a single volume. In a separate chapter entitled "Education of Natives" the very first section stated:

> The education of Indians and Eskimos in Alaska shall remain under the control of the Secretary of Interior, and schools for and among the Eskimos and Indians of Alaska shall be provided for by annual appropriation, and the Eskimo and Indian children of Alaska shall have the same right to be admitted to any Indian boarding school as the Indian children in the states or territories of the United States. (Session Laws of Alaska, 1933, Chapter 17, Section 267.)

The reports of the Commissioners of Education and of the Governor throughout the entire pre-Statehood period provide only cursory factual information on Federal schools. The chief thrust appears to have been that the welfare of the Alaskan Natives, including education, was primarily a Federal responsibility. In 1936 the Report of the Commissioner cited by Ray[24] expressed the belief that if the Bureau of Indian Affairs were unable to provide schools for the entire Native population, they should provide tuition payments for those Natives attending Territorial schools. Interestingly enough, the response of Federal officials was that tuition could be paid only on non-taxpaying Natives and that Alaska Natives under Territorial law were not exempt from paying taxes. However, based on this approach and response, the Bureau of Indian Affairs did offer to take over those Territorial schools which were predominantly Native, and by 1939 nineteen schools had been transferred.

During the 1917-1958 time span, a majority of the students attending Territorial schools was Native. However, little consideration, or even mention, of the the problems of Native education are to be found in the reports of the Commissioners, with the exception of 1932. The Territorial curriculum was designed primarily for the non-Native population and offered little room for flexibility. The program of studies in the rural schools differed little from that of the district schools. It was a traditional academic type of curriculum neglecting almost entirely problems relating to the Alaskan environment and particularly poorly suited for Native children. Ray concludes that:

> The Territorial Curriculum is still (1958) designed primarily for white children. While the Federal government may have gone too far in its emphasis on specifically "Native" problems in its educational program, there cannot be found in the Territorial course of study any recognition of special Native needs or an understanding of the different patterns of thought to be found in the Native culture.[25]

Federally Operated Schools, 1917-1959

While the Territorial rural school system development during this period had followed conventional lines with relatively minor changes in organization or policy, policies toward Indian education at the Federal level and some significant Federal legislation influenced the Alaska Federal programs of education.

In 1926 a new course of study emanated from the Alaska Division which placed considerable emphasis on Native culture and more emphasis on vocational-industrial programs. The Bureau had been following a policy of taking the most advanced youth and sending them to boarding schools "Outside" for a basically vocational education with the expectation that they would return to their villages and render service to their neighbors. The hazards of sending young people to faraway schools--including problems of social maladjustment--caused a shift in policies around this time and three vocational-industrial boarding schools were established in Alaska.

At about this same time, 1928, Congress initiated a survey of Indian economic and social conditions which was commonly called the Meriam Report. This report, cited by Darnell,[26] in essence proposed that education become the primary task of the Indian service. Commenting on the report, Darnell says:

> Two concepts set forth in the Report had far-reaching implications for educational programs in Alaska: first, the idea of absorbing Indians into the prevailing "civilization," and secondly, the idea that the national government pay for services by state and local governments. These concepts eventually influenced federal programs in Alaska to a considerable extent.[27]

A new Commissioner for the Bureau of Indian Affairs, John Collier, who served from 1934-1946, emphasized the obligation of the Federal government to assure the maximum educational opportunities for Indian peoples. His urging, reinforced by the findings of the Meriam Report, stimulated a concerned Congress to pass the landmark Johnson O'Malley Act in 1934. This Act reflected the premise that

Native children become better adjusted to living along with other people when they associate with other children in the public schools. It provided legal authority for financial assistance to states in carrying out programs of public schools for Natives residing on tax-exempt Native occupied lands; and authorized contractual arrangements with states or territories for the health, education, and social services for Indians. Philosophically the Act set forth the need for integration of Natives into the dominant society, while yet respecting and emphasizing Indian culture, and it provided the legal means for relieving the shortcomings of Indian education which Meriam had noted.

Passage of the Act had led the Alaska Commissioner of Education in 1936 to raise the question of payment of tuition by the Federal government for Native pupils attending Territorial schools. The Bureau of Indian Affairs rejected this request on the grounds that it could only pay tuition on non-taxpaying Natives and that Alaska Natives were subject to taxation. A review of correspondence in the files of the Department of Education made by the writer of this report[28] shows that the matter was further pursued by the Alaska Commissioner on the basis that the Johnson O'Malley Act intended to provide funds for such assistance "as might be deemed necessary" in the education of Native peoples; and on the further grounds that a general property tax was not feasible in Alaska and would not bring in any substantial revenues from Native peoples because many of them lived on restricted deed lands or Federal lands (99 percent of the land in Alaska was Federal) and could not be taxed; and further pointing out the general low economic level of the Natives which made them only minor contributors under income taxation. Dafoe comments:[29] "These arguments, with minor variations, have persisted in all relations between the Department and the BIA since that time." However, it will be later noted when reviewing merger attempts that Johnson O'Malley Act contracts did furnish an effective vehicle for transfer of schools.

During World War II the pace and nature of Alaska development accelerated considerably and influenced the needs in the village schools. Alaska Natives had been involved in war activities on relatively the same basis as non-Natives--opportunities for travel had increased the mobility of Native youth and had broadened their contact with the wider world. There was an apparent change in the attitude of officials in the Bureau of Indian Affairs toward the concept that Natives should be prepared to go anywhere they wanted to and be absorbed into the general population.

As an indication of the acceptance of this concept of preparing students as individuals to work and live successfully anywhere, rather than preparing them for a return to the villages, the BIA opened a large boarding high school for Natives at Mt. Edgecumbe, a former naval base in Southern Alaska. As a comprehensive high school, Edgecumbe reflected the policy of assimilation of individual Natives into the culture of non-Native Alaska. As might be expected, this change in policy drew the favor of some Native leaders but others felt that it would destroy the villages. (The latter fear has not been borne out as may be seen from an examination of the 2(c) reports listed in the bibliography.)

Coincident with and perhaps reflecting the change in Federal policies, a changed attitude was shown in the reports of the Governor and in reports of the Territorial Commissioners of Education. At about the same time that the Alaska officials were beginning to work more closely together, the Congress, in House Concurrent Resolution 108, adopted August 1, 1953, declared it to be the policy of the government to withdraw federal responsibility and services for Indians at the earliest possible date, reflecting a position which had been enunciated a year earlier by the Commissioner of Indian Affairs.

Perhaps, then, it is timely to briefly review some of the early efforts toward unification of the two systems and the status of such efforts at the time of statehood.

Steps Toward Merger of the Rural Schools

In his unpublished thesis covering the history of education in Alaska, Koponen has described the attempts at merger as "The Consolidation Minuet," perhaps with just cause. His review, along with those of Ray, Darnell, and Dafoe, provides a more extensive treatment than can be repeated in this paper. The writer has resisted the temptation to merely take a section of his own paper titled "Steps Toward Elimination of the Dual System" for this purpose, recognizing that as the incumbent Commissioner of Education for Alaska from 1953-59, a period in which extensive discussions on transfer of schools was taking place, his viewpoints would not be entirely without bias.

Official reports of Federal and Territorial agencies and officials do not reflect recognition of need for or any specific suggestions for a transfer plan until 1946. However, Dafoe's review of the correspondence files of the Department of Education back to the early 1920's notes that in the 1930's Territorial education officials began to develop recognition of need for eventual unification of the two rural systems.[30] There is some indication from this correspondence that the stimulus for initial suggestions toward unification may have been the urging of some Native leaders against what they felt was an overly paternalistic attitude on the part of the Bureau of Indian Affairs. However, the overtures which were made were apparently without sanction of the Territorial Board or Governor and were made with clear emphasis on the need for substantial and even increased funds. "The BIA attitude, as gained from the correspondence review, reflected the paternalistic policy and expressed doubts of the ability of the Department of Education to meet Native needs," Dafoe notes.

In 1943 Dr. James Ryan, Commissioner of Education, requested an opinion from Territorial Attorney General Roden on the rights of Native children relative to school attendance. The Roden opinion, which must be considered a landmark, goes extensively into precedent cases and particularly takes issue with the test for "Natives leading a civilized life" established in the case of Davis v. Sitka School Board previously cited. In essence his conclusions were that: (a) the Territory was obligated to provide adequate educational facilities for all its youth; (b) the

Territory has no legal right to exclude any child from the public school system; (c) the Territory could provide separate but equal schools; (d) the fact that Federal schools are operated in Alaska is "none of the Territory's concern" and does not militate against the right of Native children to attend Alaskan schools and the choice is theirs to make; (e) as a matter of economy it may be wise for Native children to seek admittance to the Federal schools but they cannot be compelled to do so; and (f) the right of all children in the Territory, of whatever color, race, complexion, or sex, to its educational facilities must be equal under its laws.[31]

There is no record of any reaction from the Bureau of Indian Affairs to this opinion nor was it challenged by any person or agency. However, this opinion along with an anti-discrimination act passed by the 1945 Territorial Legislature undoubtedly had some bearing on the discontinuance of Federal school operations in communities where there were Alaska schools beginning in the late 40's. Inadequate appropriations by Congress also were an influence in the discontinuance of some Federal schools. Some protest of these actions came from Territorial officials largely on the inadequacy of the notice given. During the period 1945-55, several communities of predominantly Native population in Southeastern Alaska incorporated as cities and under Territorial law automatically became school districts eligible for Territorial support. Territorial officials initially protested on the grounds of added Territorial burden from school support and on the argument, much more valid, that these villages were not ready for incorporation from the standpoint of taxable wealth or willingness to tax themselves for school support.

In 1945 Commissioner Ryan proposed what might be called the first plan for merger of the systems. This plan, subsequently adopted as a resolution of the Territorial Board, called for eventual unification of the two systems through a plan whereby the Bureau would pay $100 per year tuition for each pupil of one-fourth or more Native blood in the Alaska schools, but with no actual plan or timetable for the Territory to assume operational responsibility for Native schools. He presented this proposal[32] to a Congressional committee in May 1946 suggesting an initial appropriation of $200,000 to start the program. Since Ryan had not informed the Bureau of the proposal before its presentation to Congress, the Bureau expressed some displeasure, and did not support the funding proposal.

In June of 1947 the Bureau's Area Director notified seven communities that the Native schools would be closed and the facilities transferred to the district or to the Territory, as the case might call for. Since most of these were in existing school districts where there appeared to be no reason, other than financial, to protest, the transfers were effected. In September of that year, Ryan, backed up by a Memorial from the Legislature, sent a comprehensive memo to the Federal Bureau of the Budget encompassing the tuition payment approach proposed in 1946.

In the 1949 and 1950 years there were several conferences between Department of Education officials and Bureau staff in Alaska and in Washington aimed at the development of a transfer plan. Without the sanction of the Territorial Board, Ryan, in the course of these sessions, proposed a plan to accept on July 1, 1951, all Bureau schools, except the boarding schools, with a lump Federal payment of $1,500,000 each year for five years and, beginning with the sixth year, a 5 percent reduction each year until, at the end of twenty more years, the Territory would assume all costs. The Territory would accept title to school properties without cost.

The Bureau rejected the direct approach proposed by Ryan. However, a modification of the Johnson O'Malley Act in 1951 clarified the intent of the legislation and noted that the presence of large blocks of non-taxable Indian Property or large numbers of Indian children may create a situation in which local funds are inadequate. The Senate appropriations committee, therefore, endorsed a policy of recommending Federal financial assistance to such places based on evidence that the district is taxing itself to the maximum and is in need of supplementary funds. Based on this modification and intent, which made possible the extension of Johnson O'Malley to Alaskan schools, the Bureau proposed a counter plan to that of Ryan calling for putting all day schools operated by the Bureau under a Johnson O'Malley funding system and then transferring selected groups of schools until all had been transferred to Territorial operation and ownership, with continuing support being provided from JOM funds.

Neither the Ryan nor the Bureau proposal came officially to the attention of the Territorial Board or Legislature or to the Secretary of Interior or Congress. There was some indication in the correspondence files that Bureau personnel felt that the education of Native peoples under the proposals might not meet their needs adequately and that school operations could not be successfully separated from health and welfare functions.

As an aftermath of the Ryan plan and the Bureau counter plan of late 1950, the Bureau's Area Director in Alaska, Hugh Wade, appeared before the Territorial Board of Education in February 1951, and stated four reasons why the Bureau rejected the tuition and wholesale transfer proposals as they had been advanced by Ryan:

1. The Territory had no means to meet transportation problems connected with the operation of the schools. (Note--The Bureau had a supply ship which operated out of Seattle.)

2. The Territory had no experience with health problems in the villages.

3. Problems of personnel transfer that the Territory had not considered.

4. The need for legislation enabling the Territory to take over some of the activities of the Bureau.

However, Area Director Wade did suggest at that time a gradual transfer program which would call for the transfer of ten to fifteen schools each year with financial assistance to be provided under the Johnson O'Malley provisions. This proposal led to the first "Johnson O'Malley" contract in 1951 covering five schools with operations transferred to the Territory under Federal funding but without transfer of title to physical facilities. By 1954 twenty-two schools had been transferred to Territorial operations under contract arrangements.

In 1954, with the advent of the Eisenhower administration, there came a new Area Director, William Olsen (the position of Area Director was a partisan political appointment), who took a more conservative position on Federal funding than had Mr. Wade. He proposed a plan for the permanent transfer of schools on the basis of readiness of the villages with assumption of title to properties by the Territory, and the withdrawal of Federal financial assistance after five years.

In a letter reacting to this proposal,[33] dated May 17, 1954, the Territorial Commissioner noted that Territorial officials were in agreement with the philosophy expressed but objected to several features of the specific proposal. He objected to taking over physical facilities until the Federal government brought them up to Territorial standards, preferably by constructing new buildings; and objected also to the plan to withdraw assistance after a five-year period. He proposed that the transfer of schools be effected on one of the following alternatives:

1. Full support for five years and reduction on a percentage basis for ten to fifteen years following.

2. Full support for the first year with a five percent reduction each year for a twenty-year period.

3. Full support for a specified period such as five to ten years with support following that date to be based on establishment of need under a formula such as has been used in some JOM plans in other states.

In this letter the Commissioner also stressed the point that after suitable discussions between the Area Director and the Commissioner any plan should bear the approval of the Secretary of Interior on behalf of the Federal government and should then be submitted to the Territorial Board of Education, the Territorial Governor, and the Legislature for acceptance.

In August 1954, Area Director William Olsen transmitted a copy of his proposed plan together with the letter of reaction from Commissioner Dafoe to the Commissioner of Indian Affairs[34] and suggested that a representative of the Washington office should visit Alaska and discuss the proposal. A subsequent report[35] from Olsen expressly concurs with a statement of the Commissioner of Education to the effect that the only manner in which the Territory could agree to accept further Native schools on a transfer basis would be on the basis of complete and continuing financial support from Federal sources.

Although there were a series of meetings and continued exchange of correspondence from 1954 through 1958, an impasse existed primarily over the "inadequate" formula for school support under Bureau plans, the proposals for cut-off of support, and the capital outlay needs.

Enactment of Public Laws 874 and 815 in 1951, the "Federal impact laws," provided school districts and the Territory substantial funding for school purposes, including complete funding for operating schools on military bases (referred to as Alaska On-Base Schools). Public Law 874 had little initial impact on Native education in Alaska because of a provision which excluded Indian children eligible for Johnson O'Malley funds and, in states where there were JOM plans for the whole state, could not pay P.L. 874 funds to district schools for Indian children. However, in Alaska, since only 22 schools were covered by JOM contracts, Native children in other Territorial schools, both rural and district, were eligible. Because of the vast amount of Federal lands and the large Federal installations, the number of children living on Federal property and the number of people working on Federal property was relatively high and the Territory and districts received substantial support. Although the full P.L. 874 support of schools on military bases tends to weight the figures, statistics for support of Territorial schools (rural and district together) during the 1950's consistently show Federal contributions ranging from 25% to 29% of operating expenses.

There had been urging by the Bureau for Alaska to accept title to the buildings in the 22 transfer schools, and others, and to accept them on a permanent basis so that funds for operation under P.L. 874 and for building under P.L. 815 might be received. However, Territorial officials were concerned that both P.L. 874 and 815 were not permanent legislation and that seeking entitlement for Natives in former Bureau schools might jeopardize the preferential rate under P.L. 874 which the Territory enjoyed. With regard to construction funds under P.L. 815, certain peculiarities of the Act relating to construction assistance appeared to prevent Alaska from receiving funds specifically for Native-populated areas. However, special arrangements were made in 1958 to secure 815 funds for construction at Tanana and Metlakatla.

After re-enactment of both P.L. 874 and P.L. 815 as a type of continuing legislation in 1957, the Commissioner of Education expressed to the Bureau a willingness to re-open discussions toward transfer and ultimate unification. The amendment of P.L. 874 in 1958 to include Indian children on the same basis as other Federally connected children presented some new bases for consideration in Alaska. Based on assurances from the U.S. Office of Education that they would support continuation of the preferential entitlement rate under P.L. 874 after statehood (later accomplished through the Alaska Omnibus Bill), the Commissioner conferred with Bureau officials in Alaska and Washington and suggested steps to break the impasse.

He proposed that the state (statehood had been voted to become effective in January 1959) accept title to five schools immediately and put them under P.L. 874 entitlement and not ask for JOM funds. Further, he proposed that as soon as the physical properties in the other seventeen schools were made acceptable to the State or replaced, the State would accept title and follow the P.L. 874 funding route. If this process proved acceptable for the twenty-two contract schools, it could be extended progressively to the remaining 80 bureau day schools as soon as the properties could be made acceptable for transfer or replaced if need be. Because of impending statehood and uncertainties surrounding the organization of government, including the Department of Education, the plan was not really seriously considered at the time of presentation.

The 1958 report of the Territorial Governor of Alaska contained descriptions of Territorial education in one section and Federal education in another, but it was silent on the issue of the dual system. In a statistical summary the report[36] showed a total enrollment of 43,068 in Territorial schools broken out as follows: 28 District schools, 27,806; 8 Alaska On-Base Schools, 8,192; 73 rural schools, 4,395; 2 Fish and Wildlife schools (on the Pribilofs operated under contract), 185; 22 Johnson O'Malley schools, 730; and 21 Private and Denominational schools, 1,760 (under Territorial but not operated by the Territory). Elsewhere in the report, but clearly in a section unrelated to Territorial education, the Governor summarized statistics for the Federal schools: 76 day schools enrolling 4,113 pupils; 746 students at Mt. Edgecumbe boarding school; and 255 pupils at the Wrangell elementary boarding school.

Entering statehood the dual system of education was still operating with more similarities than there were differences. A philosophy that the dual system was not appropriate and should be unified had been declared by both Federal and Territorial-State officials, but a mutually satisfactory method for accomplishing this had not yet emerged.

Chapter V

THE FIRST DECADE OF STATEHOOD: 1959-1969

Introduction

The long battle for statehood, which culminated with Alaska becoming a state on January 3, 1959, gave Alaskans the potential to control their own affairs, including education. The congressional hearings leading to the granting of statehood did not indicate that the dual education system was at all an issue. The Statehood Act itself contained nothing of direct significance concerning Native education.[37]

However, the Constitution of the State of Alaska appears to make clear its intention toward Indian and Eskimo citizens in Article I, Section I, which states: "This constitution is dedicated to the principles that all persons...are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State." Specifically relating to education, the document in Article VII, Section I, says: "...the legislature by general law shall establish and maintain public schools open to all children of the state."

It is not clear whether this language in the State Constitution relieves the Federal government of any legal obligation to provide educational or other services within the State, but there appears to be no doubt that the Federal government has the authority to provide educational services. The Johnson O'Malley Act, along with an Act of 1908 extending authority to the Commissioner of Indian Affairs to administer Indian school programs, are cited as authority for the Federal role in Alaska even in the absence of reservations, treaties, or other formal agreements. But the chief question which pervades any discussion of Native education in Alaska (and the dual State-Federal systems which have continued beyond statehood to the present time) continues to be that of financial responsibility, which is not usually argued from a legal standpoint.

The 1960 state legislature focused attention on the inherent problems of the dual educational system when it enacted a statute providing for the issuance of general obligation bonds for construction of a regional vocational school to be located north of the Yukon, subject to approval of the electorate.[38] When the electorate responded favorably, authorization of the bonds was assured but the question of operating funds for the new school had not been addressed. When the State, noting that most of the pupils to be served would be Native, requested operating funds from the Bureau of Indian Affairs, the Bureau pointed out that it had not been consulted in the planning for the facility--they had not been involved in discussions of curriculum or financing.

This display of reluctance on the part of the Bureau served to bring to a head some of the nagging questions and problems which had to be faced because of the dual system: Who was to be responsible for overall educational planning in Alaska? What kind of education, both elementary and secondary, should be provided for rural youth? Who was responsible for financing rural education? The impasse reached over this particular matter served to stimulate both State and Federal officials to resume discussions which had come to a virtual standstill just before statehood.

The State Education System

Following statehood there was a change in the manner of appointing the Commissioner of Education from appointment by the Board to appointment by the Governor, but there was otherwise no major change in the organization of the Department of Education. While internal changes were made, including creation of a Division of State-Operated Schools in 1966, and the method of appointment of the Commissioner changed back to a Board appointment in 1968, these have had little or no impact on Native education or relationships between the Department of Education and the Bureau of Indian Affairs.

In 1963 the Legislature created nine boroughs and all local school districts existing within a borough and thirty-two state-operated schools within the new boroughs became a part of the new borough districts. No Federally operated schools were included. Former school districts which did not come within a borough nonetheless retained their district status. With the integration of the thirty-two larger state-operated schools into the boroughs in 1964, the State continued to operate eighty-five schools with about 2,200 enrollment in rural areas, as well as schools on military reservations and the Pribilof Islands under contract arrangements with Federal funding.

During the first decade of statehood there were significant changes in the system for providing State support for district schools and some modifications of the borough act in relation to school district operations. Other than the indirect effect of the borough law there was little legislative action which affected the rural state-operated schools or impacted directly on Native education. There were, however, a number of significant events other than legislative which affected rural school operations and relationships with the Bureau's Federal schools.

The Report of the Commissioner of Education for 1960 summarized the State's position on rural education, and noted that the Department of Education serves as the operating agency for all schools outside districts as though they were a single district. According to the report, the State will establish a school if there are fifteen pupils in grades one through eight as "regular schools" and will provide all costs, including school facilities. Mention is made of the twenty-three schools operated under Johnson O'Malley contracts but no mention is made of the operation of Federal schools by the Bureau of Indian Affairs.[39]

The regional vocational school impasse referred to earlier led to a meeting in Washington on March 1, 1962, involving state and Federal education leaders and other officials. A Memorandum of Agreement (see Appendix C) was reached at this meeting. The "agreement" was essentially a recognition of the current situation and an expression of good faith to approach a solution to the problems expressed. The most significant part was item 9 which stated:

> It is agreed that the State of Alaska should formulate an overall plan with local participation for (a) expansion of present high school educational facilities, and (b) transfer of Bureau-operated schools to State management and operation. This planning, of necessity, will include Federal financial participation.[40]

Accepting the responsibility for planning noted in the agreement, the Governor created a Governor's Committee on Education and gave it two broad charges: (1) to prepare a broad comprehensive plan for rural school operation; and (2) to chart a direction for the ultimate consolidation of the two school systems.

As an outgrowth of the growing concern for rural education, the Department of Education began to take steps to better meet the needs. In 1966 the Department was reorganized to provide a Division of State-Operated Schools with a view toward making the administration of rural schools more sensitive to rural needs. The organization was further refined by creating three regional superintendencies for rural areas.

Another significant development during this period was the construction and activation of the first vocational school for rural Alaskans at Nome. A combined State-BIA venture developed with the BIA providing dormitories and funds to operate them. Subsequently the same pattern was followed at Kodiak and at Bethel. Although these operations did not prove entirely successful and were discontinued in the early 1970's, they did mark the launching of a unique cooperative program.

Because the boarding schools operated by the BIA at Edgecumbe, in Alaska, and those to which Alaska pupils were being sent at Chemawa and Chilocco did not have space for all who needed the service, the State Department of Education in 1967 launched a boarding home program for high school age children from the rural villages. While this program has also had its problems, it has met some of the need and, with modifications, continued on into the 1970's. The studies by Judith Kleinfeld, which are listed in the Bibliography, Appendix A, describe the programs and their effects and have no doubt been influential in shaping modifications.

Perhaps the most striking change in this period was attitudinal. The momentum generated by the joint recognition of the need for overall planning for rural education in 1962 appears to have influenced both State and Federal leaders. Darnell notes that for the first time the 1967-68 Report of the Commissioner of Education for

Alaska included a specific section on the Bureau of Indian Affairs, noting the statistics for their school operations and describing cooperative efforts in curriculum development, the placement of secondary students, the dormitory programs, and renewal of efforts toward the transfer of schools.[41] At the same time the BIA Area Director, in his 1967 report, cited the education plan for rural Alaska and noted:

> Our goal in education is a single, unified school system operated and supported by the State. Planning, funding, construction, and standards are directed toward this goal.[42]

Federal Policies Affecting Alaska Native Education

The decade of the 1960's reflected increased Federal attention to Indian education which had a bearing on policies of the Bureau of Indian Affairs in Alaska. Darnell refers to the Striner report, a national study commissioned by Congress, which noted the inadequacy of the curriculum particularly as it related to Indian culture, stressed the need to involve Indian parents, and pointed out the need for vastly increased expenditures.[43] A report of the Senate Subcommittee on Education, also reported by Darnell, reports the newly established educational objectives of the Bureau of Indian Affairs to include: moving children out of boarding schools to community schools as soon as practicable; stressing quality and utilizing the best teaching technologies; and transfer of responsibility for the education of Indian children to local school districts whenever possible. President Johnson, in a special message to the 90th Congress, focused attention on Indian education, saying,

> I propose a new goal for our Indian programs: A goal that ends the old debate about 'termination' of Indian programs and stresses self-determination; a goal that erases old attitudes of paternalism and promotes partnership self-help.[44]

In April of 1969 the Subcommittee on Indian Education of the Senate Committee on Labor and Public Welfare held hearings in Fairbanks which provided a forum, particularly for Native leaders in Alaska. Viewpoints expressed at this hearing are reported in considerable detail in the 1971 report of the Governor's Commission on Cross-Cultural Education, Chapter III, under the heading "Call for Change." Native spokesmen emphasized that education should serve two ends--providing young people with a sense of self-identity and equipping them to assimilate into the dominant culture if they wished to do so. One solid theme which emerged from the hearings was the call for greater self-determination of educational policies by Alaska Natives than had been permitted in the past.[45]

Progress Toward Unification

The original report in 1963 of the Governor's Committee, titled "An Overall

Education Plan for Rural Alaska," and the 1966 and 1968 revisions represented a broad, basic blueprint for rural education, both elementary and secondary, and has had considerable impact on educational planning. Specifically, extensive consideration was given to the effects of sending children away from home for secondary school opportunities; and proposals for small high schools, area secondary schools, and regional secondary schools were outlined. The continuance of Mt. Edgecumbe as a boarding high school and the operation of regional secondary schools in Nome, Kodiak, and Bethel were noted. However, the Governor's Committee was not able to develop a definitive program or timetable for transfer.

The process of actually transferring BIA schools to the State had remained at a standstill since 1958. At the end of the 1960-62 biennium, twenty-one former BIA schools were operated by the State under a Johnson O'Malley contract. In 1964 seven of these schools were transferred to newly created Borough School Districts. Prior to the 1967-68 school year, Dr. Hartman, State Commissioner of Education, and BIA officials issued a joint statement embracing the concept of "mutual readiness" as a basis for school transfers:

> Mutual readiness is the principle being followed in the school transfer process. There are three parties to most transfers: the BIA, the State of Alaska, and the local community.
>
> The principle of mutual readiness insures that no damage or disruption will result to the education program as a result of the change in administration.[46]

Based on the concept ten schools were transferred to State operation in 1967 under Johnson O'Malley contracts, four more in 1969, and fourteen in 1970. A listing of the schools transferred in these years and a complete listing of locations where BIA school operations were transferred to the Territory, State operation or local school district since 1946 are included as Appendices D and E.

Summary

A report by the Governor's Committee on Cross-Cultural Education prepared in February 1970 provides information regarding Alaska Natives and their education at the end of the first decade of Statehood which merits more extensive review than is possible in this paper. However, some facts and figures and observations from the report should be mentioned.

Of the more than 80,000 pupils attending schools in Alaska in 1969 nearly one-fourth were Alaska Natives. About 10,000 of these were attending schools in the villages, over 7,000 attending in cities or towns where non-Native population is predominant, and nearly 1,100 were attending boarding schools. The 77 day schools operated by the State Department of Education in 1969 in predominantly

Native communities enrolled 3,258 Native children. Thirty-eight of the schools were totally Native. Enrollments in the schools ranged from 9 to 136. The BIA operated 73 day schools ranging in size from 19 to 139 pupils and enrolling a total of 5,962 of whom 5,797 were Natives.

At this time only about one in four of Alaska Native secondary students was attending school in a Native community. Of these 1,219 Native youth, 480 were in schools operated by towns or boroughs, 441 in schools operated by the State, including Beltz Vocational School, and 118 in schools operated in villages by the BIA, and 180 in Private and Denominational schools. In the 77 villages where schools were operated by the State, only six offered work beyond the eighth grade; and in the 73 villages with BIA-operated schools, only four offered ninth grade courses and two offered tenth grade courses. Thus, for most village children, high school education at this time had to be obtained away from their homes.

At this period adult Natives were likely to have less than an eighth grade education; a far lower percentage have had a high school education than their non-Native counterparts; and less than one percent have completed four years of college. Most observers believe that this situation results from lack of opportunity rather than from unwillingness.[47]

The State at this time carried out its school operations through the Division of State-Operated Schools, headed by a Director responsible to the Commissioner, with policy set by a seven member State Board of Education. With the main office for State-Operated Schools in Anchorage, direct supervision of schools was given to area superintendents located at Tanana, Dillingham, Glennallen, Tok and Fort Yukon or to superintendents of single schools such as Bethel.

The report notes that regulations and guidelines for the operation of the Federal schools are issued by the Bureau of Indian Affairs in Washington with supervision and administration carried out by the Juneau Area Office. Direct supervision of school operations is carried out by district principals located at BIA Field Offices in Nome, Fairbanks, and Bethel. Local participation is provided in both BIA- and State-operated schools through elected advisory boards or committees. However, no action taken by these advisory groups is binding on school officials.

In a concluding chapter, the Governor's Committee notes that it is "time for change" and points out some of the changes which, in their opinion, demand attenton. While noting the continuing need for attention to the consolidation or unification of the dual system, commenting that the concept of mutual readiness may sometimes bog down because of villages rejecting the opportunity for fear of loss of other BIA services, the Committee feels that leadership must be provided in developing new programs and remedial measures "...which transcend present organization and curricula of the educational enterprise. At the very least, schools must coordinate their efforts with those of other agencies which are working in related fields." They point particularly to the need for the re-definition of goals for the education of Natives; to the need for community involvement which can lead to local control; to the lack of culturally relevant materials; for development of new instructional strategies; and for the improved professional development of teachers for rural Alaska.

Chapter VI

CURRENT STATUS: 1970-1976

A discussion of the current status of the organization, control, and financing of education for Alaska Natives is necessarily dependent upon the recent past. Therefore, the writer has chosen to include the years from 1970 to 1976; not only because of the influence this period has on the present, but also because of the interrelated developments during this period which have become the basis for policy issues. The financial arrangements for the three school systems are discussed, significant events of the period which bear on the present status are presented, and the current organization of the systems is described.

Schools in Organized Boroughs and Cities

In 1969 Governor Miller created an Advisory Council for State Financial Support to Public Schools and commissioned a study group headed by Dr. H. Thomas James of Stanford University. The major recommendations of the Advisory Council were for the State to adopt an equalized percentage method for determining the state's share of operating revenues for the basic program for each district with the state's share to be set at an average of 90 percent. More recently the Center for Northern Educational Research at the University of Alaska examined selected aspects of school finance in cooperation with State and Federal agencies and issued several reports. These efforts contributed to legislative actions and Department of Education policies.

The present system of financial support for district schools is based upon a foundation program which supports basic need on the basis of student and program factors and location and access factors and then uses a relative wealth factor based upon the district's property valuation as compared to the state average per pupil valuation. The computation of state aid is rather complex. The base instructional unit allotment, which is set by the Legislature and provides the major portion of the support, has been raised consistently throughout the 1970's. The average level of support for district schools is considered generous by standards of other states, and coupled with substantial construction aid to districts of 50 percent or more provides the financial base for the districts.

During this period there has been little change in district school organization within Alaska. Thirty district schools in 1974-75 had an Average Daily Membership of over 71,100 compared with about 14,500 in 133 State-Operated Schools, 4,800 in Federal schools, and 2,160 in private and denominational schools. District schools ranged in size from just over 50 to over 35,000 enrollment. State-operated and Federal schools' enrollments ranged from as low as 9 pupils to over 1,200. The percent of total operating revenues from state sources in district schools ranged from 28.8 percent to 89.5 percent.

Schools in the Unorganized Borough

In the late 1960's there had been increasing interest on the part of the rural peoples of Alaska, both Native and non-Native, for a stronger voice in educational decision-making. In 1971 the Alaska Legislature responded by taking action to create the Alaska State-Operated School System and transferred operational responsibility for rural schools from the Department of Education to this entity. The governing body of this district was a seven member board appointed by the Governor from the areas served, including representation from the military reservations where schools were operated. Additionally the Legislature provided for local advisory boards in communities where the State schools were in operation. Earlier the Bureau of Indian Affairs had taken steps to form local advisory boards so now all of rural Alaska had a voice, although small and without much authority, in the conduct of school affairs.

Creation of the Alaska State-Operated School System provided in effect an unorthodox district--State in reality but quasi-local--which did have its own board but was without ability to raise local funds and, therefore, dependent on State support and under considerable State control. Although at the time the legislation was conceived of as creating a permanent district for state school operations, it became obvious quite early that the anticipated "local control" could not be accomplished through a seven-member board representing such a large and diverse area. Among other things, the schools on military reservations were quite different from the rural schools, and subsequently an arrangement was made whereby, where possible to do so, military reservation school operations were contracted to adjoining school districts.

Within two years of the creation of the State-Operated School System, pressures for more local control brought the system board to the point where it acceded to working toward local control. The Center for Northern Educational Research played a significant role by providing a forum for discussions and issuing a report[48] out of which came legislative action in 1975 abolishing the State-Operated School System and creating the Alaska Unorganized Borough School District, and setting up a process for establishing 21 Regional Education Attendance Areas (Chapter 124, SLA 1975).

Working under the mandates of this legislation, the Department of Community and Regional Affairs and the Department of Education held hearings to establish the boundaries for the attendance areas and then set up the procedures and carried out the process of electing school boards composed of five to eleven members. The Act also provided for community school advisory committees for each village served. On July 1, 1976, the Unorganized Borough School District ceased to exist and the 21 Regional Education Attendance Areas became, in effect, school districts with their boards having the same powers and duties excepting taxing authority as boards in city and borough school districts. While Bureau of Indian Affairs schools are included within the district boundaries, the Act is silent on the matter of assuming responsibility for these school operations. However, as will be noted later in this chapter, the formation of these new districts had a significant impact on school transfer negotiations.

Title to school facilities was not transferred to the new districts, and the responsibility for providing school facilities and major maintenance and repair still remains with the State. The districts have no authority to procure or hold real property. The operating funds for these school districts are appropriated to the Department of Education for distribution to the districts in the same manner as for other school districts. However, since these districts have no local tax base and no authority to levy any tax, they are to be provided the basic need and other supports provided to other school districts. Additionally, they receive an amount equal to the average local tax contributions per pupil in average daily membership for school operating costs in city and borough school districts in the prior fiscal year. For the first year of operation of the new regional districts this amount was computed at $575 per pupil. Thus, these new districts, while enjoying local control in terms of employment of staff and teaching programs, are subject to State control of their operating revenues and facilities.

The transition to local control through the medium of the Regional Education Attendance Area districts has been a major undertaking and much credit must be given to the Department of Education for their leadership. However, such a change cannot come about without its problems, and several of these are enunciated in the Alaska Advocate for July 28, 1977, in an article titled "The Headaches of Independence." Here administrators and board members note some of the frustrations of dealing with the bureaucracy, both State and Federal, but still conclude that they are happier if for no other reason than the problems and their ultimate solution are closer to home. The massive construction program designed to provide school facilities for predominantly Native locations has also had its problems and headaches. John Greeley, writing in the Alaska Advocate of March 3, 1977, dubbed the program of construction as "The $60 Million Training Exercise" and described the delays in implementing the construction program. Admittedly, construction in the Alaska "bush" presents complex and interesting challenges, Greely notes.

An article in the Anchorage Times, entitled "Sand Point Fights School Board" (August 25, 1977), highlights a strong difference of opinion between a local community school committee and the REAA board. "Local control" through a board elected from a large area does not necessarily conform with "local control" as viewed by a community school committee.

Appendix G provides a listing of all schools in the unorganized borough by Regional Attendance Areas, including those operated by the Bureau of Indian Affairs, with estimated average daily memberships, as of July 1, 1976, and a separate listing showing all district schools with estimated average daily memberships as of the same date.

Alaska Education Revenues

In Alaska, with its three "systems" of public education, the compilation of comparable data on financing has posed a special problem. Sources of revenue are quite different for the three, and budgeting and accounting techniques vary. The following table compiled from the Center for Northern Educational Research finance studies shows revenues for the systems for Fiscal Year '74, '75 and '76.

REVENUE FOR CURRENT OPERATING EXPENSE
FOR THE THREE ALASKA SCHOOL SYSTEMS
BY SOURCE FOR FY 1974 FY 1975 FY 1976

	1974	Per Cent	1975	Per Cent	1976	Per Cent
State						
City and Borough Districts	81,714,249	89	106,931,266	90	137,735,439	87
ASOSS/AUBSD	9,686,319	11	11,705,630	10	21,484,229	13
Bureau of Indian Affairs						
Total	91,400,568	100	118,636,896	100	159,219,668	100
Federal						
City and Borough Districts	7,135,251	13	14,380,422	22	14,490,021	29*
ASOSS/AUBSD	28,146,493	53	33,021,301	51	17,477,252	35*
Bureau of Indian Affairs	18,349,649	34	17,228,640	27	17,488,834	36
Total	53,631,393	100	64,630,363	100	49,456,107	100
Local						
City and Borough Districts	26,025,556	98	22,368,303	97	38,680,764	99
ASOSS/AUBSD	453,312	2	606,914	3	212,549	1
Bureau of Indian Affairs						
Total	26,478,868	100	22,975,217	100	38,893,313	100
All Sources						
City and Borough Districts	114,875,056	67	143,679,991	70	190,906,224	77
ASOSS/AUBSD	38,286,124	22	45,333,845	22	39,174,030	16
Bureau of Indian Affairs	18,349,649	11	17,228,640	8	17,488,834	7
Total	171,510,829	100	206,242,476	100	247,569,088	100

*State revenue includes 20.5 million dollars in federal P.L.874 entitlement for students residing on military bases. In previous years this entitlement has been reported as federal revenue for the Alaska State Operated School District.

Significant events which bear on the current status include a needs assessment conducted by the Bureau of Indian Affairs, two State Supreme Court cases concerning the rights of rural students to attend high school in their home communities, and the continued, but thus far fruitless, efforts to unify the schools by transfer of BIA schools to the State system. Discussion of these follows.

Alaska Native Needs Assessment in Education

Throughout the 1960's there had been several conferences on rural education and several reports of Governor's committees which bore on the subject of rural education and outlined a basis for working toward unification of the rural school systems. None of these committees still existed during the 1970's.

However, late in 1972, Mr. Morris Thompson, Commissioner of Indian Affairs and a former Area Director for the Juneau Area Office, asked that a needs assessment be conducted in Alaska Native education, stating:

> In recent times, and particularly during the past year, the general question of the ultimate role of BIA education in Alaska has been raised. The concern usually centers around the question of: How much longer will BIA education operate schools? What form, if any, will BIA education have within and following the next five years?[49]

Under this general charge, the Juneau Area Office through Emil Kowalczyk, Assistant Area Director for Education, assembled a committee of State and Federal officials, rural representatives, State-Operated Schools System personnel, representatives of the Native Federation, and University staff to carry out the Alaska Native Needs Assessment (ANNA) project with the following basic objectives:

1. Identify the educational preferences of Alaska Native peoples.
2. Develop a benchmark of education information which reflects current BIA programs.
3. Develop alternatives and make recommendations about the future role of BIA in education in Alaska.
4. Develop alternatives and make recommendations concerning the future of the two BIA boarding schools in Alaska.[50]

The Project ANNA Summary[51] has particular relevance for its delineation of problems and issues which were current then and largely remain so. Major points of the summary include:

1. There is a high leaving or withdrawal of Natives from most secondary programs--highest in the boarding home and dormitory programs. There may be as many as a thousand Alaska Native high school age students who are not enrolled in any high school program.
2. The general educational goal expressed by Native adults and students was that the school should help equip the individual to get along in either the Native or non-Native culture, whichever the Native child should choose.

3. There was a strong expression of a desire for local control of schools but recognition that a transition period was necessary.

4. There is a growing desire among Native students to attend college.

5. Student preferences showed a desire for vocational and career education opportunities in and beyond high school.

6. While there was strong preference indicated for high schools as close to their homes as possible there was no preference to do away completely with boarding high schools or the boarding home programs.

7. The future role of the BIA in education will be largely financial.

8. There will be continuing need for the BIA to assume a strong advocacy role in behalf of Native peoples.

9. There will be a continuing need for technical assistance to support local control.

10. Close attention should be given to the development of alternative models for small local high schools.

A Landmark Agreement--The Tobeluk Case

Early in the 1970's a case was brought against the Alaska State-Operated School System on behalf of Molly Hootch and other Native children asking the court to order the State to provide them with high schools in their home communities. While the State Supreme Court ruled that establishment of local high schools is not required by the part of the State constitution that says the State must provide schools "open to all children," the language of the opinion made clear the strong moral obligation of the state to provide high school opportunities.

A second claim filed shortly thereafter, Anna Tobeluk et al versus Marshall Lind (Commissioner of Education) et al,[52] purported that failure to provide high schools in Native villages amounted to racial discrimination. The case resulted in an agreement of settlement in 1976 in which the Department of Education agreed, subject to the availability of funds which, incidentally, the State administration was to actively seek through legislative action, to provide secondary school opportunities in specifically named locations on a projected time schedule. Based on this consent decree, the State Board of Education adopted regulations assuring every child a right to attend high school in his or her own community if there is an elementary school there unless the community asks that there be no school. Authorization by the 1976 Legislature and approval by the electorate of a $60,000,000 bond issue for rural schools marks a significant step toward the provision of facilities for meeting the decree.

Progress Toward Unification

After a period of impasse from 1958-67, the process of transferring Bureau schools to State operation under Johnson O'Malley Contracts accelerated and from 1967-70, 28 schools were transferred. Although the State Department of Education made a proposal for further transfers in 1970, no action was taken and no further school transfers occurred until the 1975-76 school year. These were triggered by the creation of the REAA districts.

Several factors may have contributed to the lack of action during this period, including the changes in both State and Federal administrations; the change in operation of the State-operated schools; the provision of the Indian Education and Self-Determination Acts relating to Johnson O'Malley funding and contracting with Native groups; and the lack of a definite push by either party.

In the Annual Report of the Commissioner of Education for 1975-76, issued in October 1976, reference is made to the dual system as follows:

> ...Currently under way are plans to integrate the State's remaining Bureau of Indian Affairs Schools with those under State jurisdiction. Six schools operated by the BIA transferred to the new districts this summer.
>
> "What we hope to see is really simple," said Commissioner of Education Marshall Lind, "a single system for all the state's youngsters. And it will be a system structured by state law and regulations, and guided by locally elected school boards."
>
> The transfer of the six Bureau of Indian Affairs schools was the first shift of that type to take place in about eight years. BIA schools at Kotzebue, Hooper Bay, Emmonak, Upper Kalskag, Lower Kalskag, and Kiana became a part of the state system. "And those decisions were made by the people themselves and not by bureaucrats at either the State or Federal level," Lind said. "This was the beginning. They got the momentum going, and I am confident that it will continue."[53]

While the optimism expressed by the Commissioner is significant and evidences an attitude of receptivity toward transfer by the State, acting on behalf of and in conjunction with the REAAs, the actual situation with regard to unification of the systems does not appear to be as promising as he expressed.

The BIA Task Force on Alaska School Transfer

The Task Force on Alaska School Transfer appointed by the Commissioner of Indian Affairs in late 1976, with the apparent blessing and support of Interior

Secretary Andrus, completed its work in March of 1977. The Report refers to past efforts toward school transfer, and in doing so thoroughly reviews information from the files of the Department of Education and the Bureau of Indian Affairs. The marked differences in State and Federal attitudes toward unification are well documented in a chronological listing of pertinent correspondence and events from 1972 to March 1977 abstracted from material compiled for use of the Task Force (see Appendix F). The report notes that the State is legally obligated to furnish education to all its children, but states that the Bureau should continue operating schools until a local community wants it to withdraw. Reference is made to the 1968 plan, termed as presently outmoded, and cites the REAA act and the Indian Self-Determination Act as the framework within which transfers must be considered. It states:

> The Bureau's policy on school operations remains constant: To provide the highest quality of education possible for Alaska and Native American school children. In all instances Native American communities will be advised of their options either to (1) transfer their schools to the Regional Education Attendance Area, (2) contract with the BIA, or (3) remain under the Federal school system.

A Field Solicitor's opinion included in the reports notes that the Bureau is not legally required to transfer any school or schools upon request of the State; that if a school or schools were operating under a P.L. 93-638 contract, the tribal contractor could retrocede a contracted program to the Bureau and the Bureau could then transfer the school with village concurrence; and indicates that unless there were a declaration of forfeiture, schools previously transferred would not have to be accepted back by the Bureau.

Positions stated in the Task Force report were as follows:

1. Alaska Village Electric Cooperative (AVEC): The Bureau has existing contracts with AVEC. Options would be to continue to pay the contract amounts; cancel the contracts and pay the forfeiture costs ($90,000 per contract); or negotiate with the REAA concerning transfer of the contract.

2. The Bureau would agree to complete any scheduled funded capital improvements, but schools would be transferred on an "as is, where is" basis.

3. ESEA Title I program support could no longer be gained through BIA but could be sought through the Alaska Department of Education.

4. Native students transferred from BIA schools to REAA schools become eligible for Johnson O'Malley support as outlined under Title II, P.L. 93-638. It estimates that these special purpose funds for Fiscal year 1977 could be between $215 and $275 per student, dependent on

the percentage of Native students in the district and its location. However, in Alaska JOM fund distribution has been delegated to local parent committees so a REAA would have to justify funding needs and get a "sign-off" from the local group.

The report concluded with a listing of alternatives and noted their probable impact. Basically the options were as follows:

> Option I. Schools be transferred on request of local communities with no BIA financial participation other than start-up costs such as fuel, supplies and materials already on order and on site. It assumes cancellation of the AVEC contract.
>
> Option II. BIA negotiate directly with the REAAs which had gained village concurrence for transfer through resolutions. (The impact statement noted that this would mean negotiating with six REAAs rather than with the State, stressing the autonomous operational authority of the REAAs, and noting that negotiation with a REAA would deal with direct local impact rather than State interest. It cautioned, however, that REAAs would have to have State assurance that they would receive their full State entitlement.)
>
> Option III. BIA would transfer schools to the State with (a) two-year funding for teacher aides; (b) two-year funding for food service programs; and (c) start-up costs as noted under Option I. (Cost projections in an Appendix indicated that the support would cover school transfers over a five-year period.) BIA would cancel the AVEC contract after paying operating costs for the first two years.
>
> Option IV. In addition to Option III above, the BIA would reimburse the Department of Education for the amount of the State's payments in lieu of local revenue, computed at $575 for the 1977 school year. (Cost projections in the Appendix indicate a phasing of transfers over a five-year period but with in-lieu reimbursements for only one year after transfer.)
>
> Option V. The Bureau would accept the State proposal in the Governor's letter of January 19: fundamentally that the BIA provide assistance to the districts for supplemental programs for two years; and that the BIA provide the State reimbursement for expenditures above and beyond normal State entitlement, less P.L. 874 funds, to be phased out for any transferred school over a five-year period. The impact statement of the report indicates that this amount could exceed the BIA allotment for the transferred school

and that there was no assurance that the REAAs would receive the additional dollars from the State. (However, the Governor's letter must have been misinterpreted, for that letter, according to the Commissioner of Education, asked for five-year declining funding of the entire State cost less P.L. 874 entitlements.)

While complete information on costing methodology is not included, it appears that the options contemplate a phasing of the transfer of the 44 remaining schools (aside from the six transferred in 1976) and some phasing of support, particularly for Option V. The projected costs range from about $6,600,000 for Option I to over $48,000,000 for Option V.

The Task Force report also recommended that there be developed guidelines for school transfers in Alaska which could include methodology for assessing financial and program needs, guidelines for securing village concurrence, and means for measuring the impact on school operations subsequent to transfer. The report noted that past agreements had not sequenced conditions, other than financial, and that thus no "track record" of the transfer process or end results was available as a future guide.

BIA officials interviewed in Juneau late in August stated that a proposal for developing such an instrument from CNER, University of Alaska, had not been accepted, primarily because funds were not available. The Area Director's office, together with the Central BIA office, are undertaking the development of these guidelines. Department of Education officials indicate that they wholeheartedly concur in the need for guidelines.

Actions Following the Task Force Report

On May 5, 1977, Raymond Butler, Acting Deputy Commissioner of Indian Affairs, wrote to Governor Hammond stating that after consideration of the Task Force report the Bureau was proposing that the State and the Bureau move toward finalizing an agreement based on Option IV of the report "or some variation of it." Mr. Butler noted that Bureau representatives would be available to meet with the Governor and his representatives at a mutually convenient time and place.

On June 17, 1977, Senator Stevens, in a wire to Commissioner Lind, stated that the Senate Appropriations Committee had accepted his amendment to provide $1.2 million to meet the one-time costs associated with the transfer of the six schools to REAAs in 1976-77 and was instructing the Bureau to budget for the remaining funds needed to fulfill the transfer agreement.

On July 20, 1977, Governor Hammond responded to Mr. Butler, stating in the second paragraph:

> If my understanding is correct, the Option No. 4 of which you speak in your letter is in addition to the efforts of Senator Stevens to provide the difference between the Public Law 874 payments and the foundation formula costs per pupil to the State of Alaska in a five-year phase-out program. Under this assumption, the state is pleased with your choice of options and I am sure we can proceed to finalize an agreement.

As yet there has been no official response from the Bureau to Governor Hammond's letter. It is quite obvious, however, that the Governor's response really goes back to the Commissioner's proposal of April 1976 wherein the State was actually asking reimbursement from BIA of the difference in cost between P.L. 874 funds and the total cost for pupils in transferred schools on a five-year phase-out basis. Whether this is merely a misinterpretation of the Bureau's offer of Option IV has not been ascertained. There are indications, entirely unofficial, that the Bureau may come back with a counter offer of full cost less P.L. 874 funds on a two-year phase-out basis.

The transfer program has "bogged down" again, however. Only one school may be transferred this year.

Current Status of Unification

While it appears that there is a reasonable chance that a final solution to the Alaska school transfer problem may be reached, the question of gaining village concurrence and of gaining adequate legislative appropriations and the bonding approvals for construction of facilities will remain as major problems. There has been some indication that the REAAs are not particularly concerned about whether the State is reimbursed for basic support in-lieu payments so long as the REAAs get supplemental funding for special programs, one-time cost payments at the time of take-over, and full state entitlement as provided by statute. There appears to be no inclination on the part of the State to leave the negotiations solely in the hands of the REAAs, particularly because of the State's obligations with regard to provision of facilities and ongoing future financing.

The Alaska transfer discussions have been going on for nearly 40 years. The situation has been particularly complicated because Alaska Natives have not been in reservation status or under special treaties. The changes in the basis of operating State rural schools from the Department of Education to the Alaska State-Operated School System and recently to the quasi-autonomous REAA districts have in recent years further complicated the issue. The Indian Self-Determination Act has put still another cloud into the negotiations picture, although it appears that Native groups themselves are not pushing hard for contract arrangements in education nor is the Bureau particularly anxious to inject a third type of system into the picture. The BIA staff, however, indicates that the Bureau has a "trust" responsibility to operate schools in a village so long as the village wants it, subject, of course, to availability of funds.

There appear to be several policy matters still to be resolved in connection with the transfer of schools and the future role of the Bureau in Alaskan education. The REAAs are so new that their operations are still not on firm ground and it is possible that there could be modifications to the present organizational pattern. For example, some communities might see fit to incorporate as first class cities and become city school districts, and some areas might organize as boroughs and become borough school districts.

Current Organization

This chapter concludes with a review of the manner in which Alaska schools are organized.[54] As in most other states, the authority for public education arises out of the Constitution. Alaska's Constitution provides that:

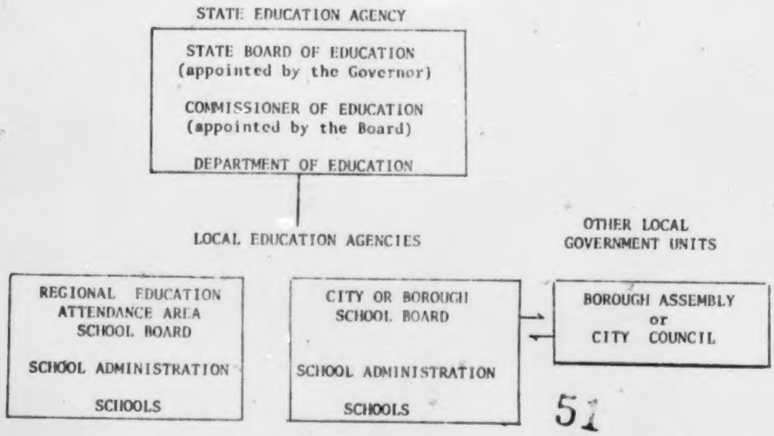
> The legislature shall by general law establish and maintain a system of public schools open to all children of the State... (Article VII, Section I).

Most of the general law regarding public schools is found in Title 14 of the Alaska Statutes. Acting under the authority of these school laws are the following agencies and officials at the state and local level:

1. State Education Agency, which includes the
   - -State Board of Education,
   - -Commissioner of Education, and
   - -Department of Education;
2. Local Education Agencies, which include
   - -Local boards of education,
   - -Superintendents of school and their administrative and instructional staffs;
3. Borough assemblies and city councils.

A simplified description of the relationship of these agencies and officials is shown in Figure 1.

Figure 1. State and Local Agencies of School Governance



State Education Agency

The State Board of Education, which also serves as the State Board for Vocational Education, establishes policies which govern operation of the Department of Education and the local education agencies. The Department of Education, directed by the Commissioner of Education, then exercises general supervision over the public schools.

As has been indicated earlier, the system of public schools which is supervised by the Department of Education is comprised of a number of different kinds of local education agencies which have been determined by population density and historic accident.

Local Education Agencies

There are 51 local education agencies (LEA), each with an elected governing board, which provide elementary and secondary education programs for some 90,000 students. Of these local education agencies, 30 are city or borough school districts, and 21 are Regional Education Attendance Areas (REAA). The REAAs, which came into being July 1, 1976, are presently comprised of rural villages and were formed out of the areas formerly served by the single Alaska Unorganized Borough School District, the successor to the Alaska State-Operated School System.

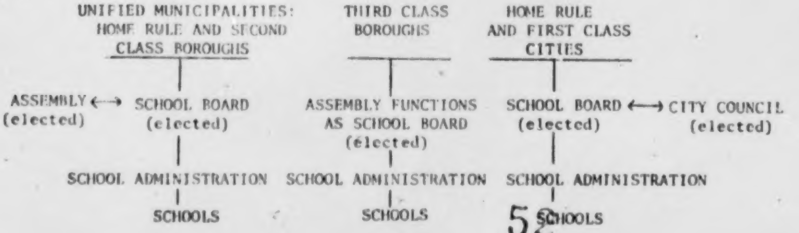
The city and borough school districts are located within local governmental units organized as unified municipalities, first class and home rule cities, and home rule, second, and third class boroughs. Also located within the Unorganized Borough, but not a part of the State system, are the Federally supported schools operated by the Bureau of Indian Affairs.

A list of schools and school districts in Alaska appears in Appendix G in this report. The map (Appendix H) also shows locations of federally supported Bureau of Indian Affairs schools which make up the third element of the Federal-State system of schools.

Schools in Organized Boroughs and Cities

In all boroughs except third class boroughs, and in cities, a school board separate from the borough assembly or city council is elected to supervise the schools. In the single third class borough (Haines), the assembly also functions as the school board. The kinds of local government responsible for schools in boroughs and cities are schematically illustrated in Figure 2.

Figure 2. Local Government Units Responsible for Public Schools In Boroughs or Cities



Beginning in 1975-76 two borough school districts became responsible for operation of schools located on four of Alaska's six military bases. Schools at Ft. Wainwright and Eielson Air Base are operated by the Fairbanks North Star Borough School District. Schools at Ft. Richardson and Elmendorf Air Base are operated by the Anchorage Borough School District. In both cases, the full costs of operating these On-Base schools are paid from State and Federal funds disbursed to the school districts under contractual arrangements by the State Department of Education.

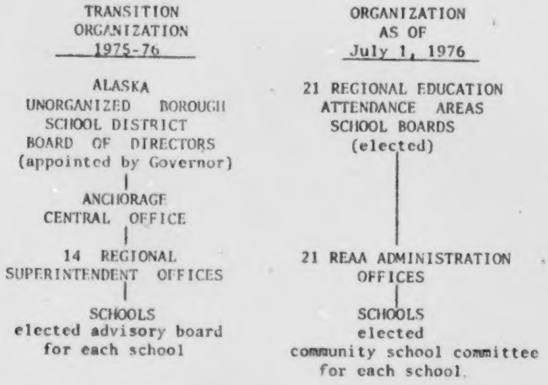
Schools at the two other military bases are operated under different arrangements. At Ft. Greely, in the Interior, schools are operated as a part of the Delta/Greely Regional Education Attendance Area. The Adak REAA operates the schools at Adak Naval Station on the Aleutian Islands, while the Aleutian Chain REAA or city districts operate schools for the rest of the Aleutian Chain and a portion of the Alaska Peninsula.

Schools in the Unorganized Borough

In 1971 the Alaska State-Operated School System (ASOSS) was established and assumed responsibilities for public schools in the Unorganized Borough. ASOSS operated as an unorthodox-State, quasi-local governmental unit with responsibility for all public schools in the Unorganized Borough, except BIA schools. Although nothing in the legislation that established ASOSS in 1971 suggested the system was anything but permanent, pressures for reform during its final two years caused the board of the system to accede to a policy of working toward a system that would provide for local control.

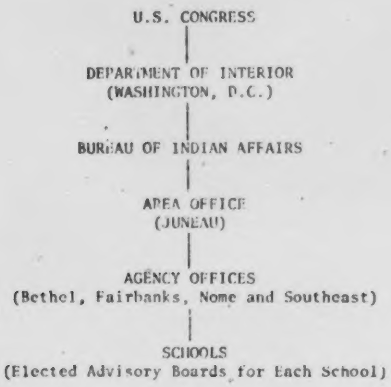
The legislature in 1975, by amending the School Laws, abolished ASOSS and set in motion the potential for far-reaching changes in education programs in the Unorganized Borough School District (AUBSD), and a process to establish Regional Education Attendance Areas began. At the end of 1975-76, AUBSD ceased to exist and 21 new Regional Education Attendance Areas (REAAs) acquired authority for education programs in the Unorganized Borough, but initially exclusive of BIA schools. Figure 3 shows the transitional and current organization structure for State-supported schools in the Unorganized Borough.

Figure 3. Past and Present Organization for State-Supported Schools in the Unorganized Borough


TRANSITION ORGANIZATION 1975-76
ALASKA UNORGANIZED BOROUGH SCHOOL DISTRICT BOARD OF DIRECTORS (appointed by Governor)
ANCHORAGE CENTRAL OFFICE
14 REGIONAL SUPERINTENDENT OFFICES
SCHOOLS elected advisory board for each school
ORGANIZATION AS OF July 1, 1976
21 REGIONAL EDUCATION ATTENDANCE AREAS SCHOOL BOARDS (elected)
21 REAA ADMINISTRATION OFFICES
SCHOOLS elected community school committee for each school

Still operated within the Unorganized Borough and thus within the REAAs are 44 Bureau of Indian Affairs schools. These Federally supported schools continue to be controlled from Washington, D. C. as a part of the Department of Interior. Educational policy is set there for implementation by the Area Office in Juneau. The Area Office then delegates specific responsibilities to four agency offices in Alaska. It is the reponsibility of the agency offices to administer each school according to these policies. The organization of the BIA system is shown in Figure 4.

Figure 4. Organization of Bureau of Indian Affairs Schools in Alaska



Although each BIA school has an advisory school board, the BIA employs the school staff; orders school supplies and equipment; sets the dates of the school year; and determines the school curriculum (although the curriculum is set within bounds of a State-Federal Memorandum of Agreement that acknowledges the need for a generally uniform curriculum). Most significantly, the BIA requests from Congress the funds required for operation of the BIA schools and distributes funds according to a centrally determined budget.

Thus it may be seen that three systems (one Federal and two State) exist side by side to accomplish a common purpose. The extent to which three systems, with different approaches to providing education and paying for it, can do so fairly and in the best interest of all is of primary concern to Alaska Natives.

Chapter VII

POLICY ISSUES

Introduction

Several significant events and developments of the past half-dozen years have precipitated the policy issues with respect to education of Alaska Natives. These events and developments include:

1. The Alaska Native Claims Settlement Act of 1971
2. The Indian Self-Determination Act
3. The trans-Alaska Pipeline
4. The creation of 21 Regional Education Attendance Areas
5. The Molly Hootch and Anna Tobeluk court cases
6. The introduction of telecommunications to rural Alaska
7. The influence of rural legislators

It is appropriate to briefly review those not already presented in this paper because of their effect upon the policy issues to be presented.

The Alaska Native Claims Settlement Act of 1971 provided monetary awards of nearly a billion dollars and 40,000,000 acres of land to be selected by the regional and village corporations provided for in the Act. The establishment of the regional corporations as profit-making bodies and the involvement of village corporations in the process of land selection and management of their own affairs has given the Native peoples a vehicle for self-determination and an improved economic status. It has also emphasized the need for trained Native leadership, thus strengthening the cry for improved educational opportunities for Natives at all levels.

In a comprehensive treatment of the whole land claims movement, Jacquot[55] notes that the Statehood movement in the 1950's had largely by-passed Native leaders and had aroused concern among Natives as to what might happen to their land and way of life. He notes that aside from the culminating Act itself, perhaps the most outstanding feature of the entire land claims campaign was the creation of the Alaska Federation of Natives in 1966 wherein for the first time in their history, all of the Native peoples were brought together to pursue a common goal. At about the same time, a Native sponsored newspaper, the Tundra Times, provided a channel for the Native people and organizations.

The Alaska Federation of Natives, as an affiliation of all Native organizations, led the way in tactics and strategy which culminated with a land freeze in 1967 and the final claims settlement in 1971. There is ample evidence that the land freeze, which suspended all activity in Federal land transactions in Alaska, aroused considerable resentment in the non-Native community and may have created some anti-Native backlash.[56]

Although a serious rift developed in the Federation shortly following the settlement of the land claims, the split has been healed and the Federation today is a potent social and political force. The Federation is a contracting agency for several Native services and has been actively involved in educational conferences and activities. The Federation has proved to be a great training ground for Native leaders.

The Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638) provides funds for Indian groups, including Alaska Native corporations, to take over planning, administration, and actual operation of some services and makes changes in the Johnson O'Malley Act. To date there have been no contracts made for school operations in Alaska, although some other social services are being provided under the contractual arrangements permitted by this Act. However, the provisions of these acts relating to involvement of local people in community school boards has no doubt influenced the operation of Federal schools in Alaska and has resulted in a policy that village schools will not be transferred to State jurisdiction without the consent of the villagers.

The passage of the Indian Education Act of 1972 (P.L. 92-318), which provides money for aiding local education agencies educating Indian and Alaska Native children, has had some influence on education of Natives in Alaska and has provided additional Federal funding.

The trans-Alaska pipeline became operational in June 1977, after delays of several years. Economically, the delay in approval of the construction of the Alaska pipeline impacted heavily on State finances. The lease sale bonanza of 1969 had created a feeling of instant prosperity which led to a demand for greatly increased state services and state financial support. Subsequently the State administration and Legislature found that with delays in construction they were hard pressed to meet these demands and stay within available resources. There is also some strong feeling, not supported by hard data, that Federal officials and the Congress, viewing the potential Alaska revenue situation, have been less mindful of Alaskan pleas for special financial consideration. The use of revenues from oil has become a perennial topic of the legislature and the administration.

The influence of legislators from the outlying areas of Alaska, the so-called "bush" legislators, is growing. These legislators, an increasing number of Natives in both the House and Senate, have been potent factors in the organization of the chambers and have gained important committee assignments. They have exhibited strong support for education and have been particularly insistent upon decentralization of education functions and more local control.

Criteria for Selection of Policy Issues

Presented in this chapter are eight broad policy issues affecting the education of Alaska Natives. Each is interrelated in some manner and at least three also concern non-Native education, that is, the operation of city and borough school districts.

For purposes of this paper, "policy" has been defined as a position or statement of intent taken by a public governing body. The manner in which the policy is implemented, or not implemented, along with related decisions, serve to qualify a particular policy as a "policy issue." Additional criteria used to identify the policy or an issue include: (1) controversy and differences of opinion regarding it, including the presence of conflicting policies of different public governing agencies, (2) its vitalness and importance with respect to current needs, (3) failure to resolve differences of opinion regarding it, and (4) the presence of sufficient data to document the policy controversy.

Additional validation of several of the policy issues was obtained by the writer from interviews with State and Federal officials (see list in Appendix I). These officials provided their points of view on the policy issues as well as their estimation of what, in their opinions, would be necessary to resolve the issues.

The policy issues which follow are framed in the form of questions. In the narrative section following each question will be a review of possible ramifications and, where applicable, the points of concurrence and/or major points of difference between State and Federal officials. Reference will also be made to some of the side issues which may be involved.

Policy Issue: Financing of Transferred Schools

> In view of the fact that there appears to be no legal question but that the State of Alaska has the responsiblity to provide education for all its children and youth and has in the creation of the Regional Education Attendance Area districts (REAAs) included all areas now served by Federal schools without any exclusion clause, is the State justified in asking for reimbursement by the BIA on the basis of total State funding requirements on a five-year declining basis (100% the first year, 80% the second year, etc.) plus one-time transfer costs?

Financing school transfers has been the most evident enigma for many years. The question of basic and supplemental program support, and the related question of financing the upgrading of present facilities and the provision of new facilities, has been dominant in discussions and proposals over the last thirty years and has far overshadowed any questions of curriculum, staffing, and program. The philosophical and logistic differences seem to involve some matters of principle as well as actual dollar figures, and the final solution appears to be at least months away, and perhaps even a year or two.

In asking full reimbursement for all the State cost of assumption of a transferred school by a REAA (Public School Foundation Act entitlement plus in-lieu of local taxes payments) the first year and declining support for an additional four years, the State rationale appears to be based on the lack of a tax base for the support of rural schools; and the point of total State support for schools in the REAAs raises the question of fiscal neutrality with respect to support of schools in other districts. The phase-out of the special entitlement rate under P.L. 874, now entering the second year, has also increased the State's financial contribution.

Most of Alaska is still Federal land and the lands which are granted to the village corporations under the Alaska Native Claims Settlement Act will be exempt from taxation for a twenty-year period. The comparatively low cash income of the people in rural areas, particularly the Native population with considerable continuing dependence on subsistence living, does not provide any substantial measure of revenue through the State Income Tax. State officials also note that the State has already assumed a considerable amount of funding formerly provided by BIA by issuing full costs of the boarding home program and by the agreement under the Tobeluk case to provide secondary schools. (Thus, State officials appear to be attempting to lessen the further drain on State resources for support of schools which may be transferred to the REAAs because of its effect on other school support as well as overall State budget requirements.)

A very strongly related question of finance is the potential cost of upgrading transferred facilities to State standards, which is estimated to be as high as forty million dollars, and the projected need for construction dollars for elementary and secondary schools in the REAAs estimated at as high as three hundred million dollars over the next five to ten years. (The Department of Transportation and Public Facilities is currently undertaking an appraisal of upgrading needs at 23 BIA school locations.)

The Bureau of Indian Affairs Juneau Area Director's position is that the Federal government has no legal obligation to finance schools which are transferred to the State--these schools, once they become a part of the REAA operation, should be entitled to full support under State foundation entitlement and in-lieu payments as is any other school in the REAA. They note that the continuing operation of Federal schools in Alaska is not a legal obligation--it is not based on any reservation status or special treaties--but is instead only a "trust" responsibility.

The Bureau staff point to their offer of two-year funding for special programs--school lunches and teacher aides--and one-year "start-up" costs, as being reasonable. They further note that once a school transferred, there is no assurance that continuing funding would be available from the Federal level since they don't have the pupils anymore, or that the Native peoples involved in the banding process (a BIA method of involving Natives in decisions on budget allocations) would agree to allocation of continuing school support. They also refer to the eligibility of a REAA to apply for supplemental per pupil funding for special programs from Johnson O'Malley funds, but this funding, of course, would not be deductible from State support, and would have to be cleared through local Native parent committees.

Enabling legislation for the REAAs does not provide for them to hold title to real property--this is still in the hands of the State, which also assumes responsibility for the major maintenance and repair of existing school facilities and for new construction. Thus, the present policy of the Bureau to transfer title to schools where such title is not affected by the Native Land Claims Settlement, on an "as is, where is" basis, relates directly to the State rather than to the REAA. Even the State acceptance of a use permit may be affected by the potential cost of upgrading a facility to meet State codes. While it has not been stated formally or in writing, Bureau officials indicate that the Area Director's policy will be not to issue permits in cases where title can be transferred.

There is general agreement that the attitude of teachers toward transfer is no longer a significant factor, although Bureau officials feel that teachers of long tenure may resist a change of status. However, the old question of loss of salary and benefits through transfer has largely been answered through the 1975 legislation protecting rights and benefits of teachers involved in transfer. Certificated staff salaries under the REAAs are better than under the Bureau but non-certificated staff salaries are not. However, it is expected that soon this latter class of employees will come under the negotiations process and salaries will increase.

The question may well be asked if the time has come where the negotiations on transfer, particularly the financial questions involved, may not have to be undertaken directly at a higher level than the Department of Education and the Area Director's office. The State education representatives believe that this, in effect, has been done with the entrance of the Governor into the exchange of proposals. The creation of the Task Force, with the blessing of the Secretary of Interior, indicates that the Washington level is now more directly involved. Bureau personnel at the area level feel to some extent that the Washington staff do not understand all of the complexities in Alaska, particularly the implications of the Indian Self-Determination Act for education in Alaska.

There is the related question of whether legislative assent by the Congress and the State should be sought. The State officials feel that the act creating the REAAs was in effect legislative assent since there was no language excluding Federally operated schools and that, through the budget process, the legislature is continually informed of their position. Bureau people feel that Congressional assent, if needed, will be through the budget and appropriations process. Senator Stevens' actions in the appropriations process, as noted in the preceding chapter, indicates that the Senate Appropriations Committee is becoming involved to some extent. However, some thought might well be given toward introduction of legislation at the Federal level which would constitute enabling legislation for culmination of the transfer effort, with authorization for appropriations to meet the transfers as well as perhaps resolving some of the uncertainties of the Indian Self-Determination Act as applied to Alaska. An appropriate resolution of the State Legislature accepting the agreed-upon terms would then be in order, or the State resolution could be in advance and seek Congressional concurrence and commitment.

The Task Force Report listed as one of the options the direct negotiation with individual REAAs rather than negotiation with the State on school transfers. There is little doubt that Area office personnel favor this approach, and, indeed, the REAA does have to be involved in both the question of acceptance and village concurrence; the State would have no choice but to assume support under the State financing system of these added pupils. However, a REAA board heavily dependent upon the effectiveness of the Department of Education and State administration in seeking funds for REAA school support might be reluctant to enter direct negotiations with the BIA unless an agreement is reached prior to a commitment by the REAA to accept the Federal schools. This could result in an over-emphasis of influence that the negotiations might have on the final choice of which school may better serve the children in a given community. Also, and very importantly, it must be remembered that the State, under the REAA legislation, is responsible for school facilities--it pays the cost of major maintenance as well as providing new schools--and the REAA has no authority to accept title or even use permit for facilities.

Policy Issue: The Matter of Village Concurrence

> In view of the facts that the State is legally responsible for the education of all its peoples, that the REAA boundaries include all villages, and that there are no reservations or treaties which require the Federal operation of schools, is the policy of requiring village concurrence necessary and reasonable or does it represent an unwarranted impediment to school transfer?

This is a most complex issue through which one might well illustrate the vast differences between policy-making in the public sector and the private sector. In the private sector the policy decisions can be largely made on the basis of hard facts: will the policy result in profit or other tangible benefit to the corporation; or should it be followed as a matter of principle regardless of the profit motive. But in the public sector there are many more variables, particularly the one of human values and the democratic process. The political process is heavily involved and is a process which considers and is strongly affected by the politically possible as well as the practical.

After negotiations with the State reached an impasse, the Area Director, with the advice of the Federal Solicitor and strongly influenced by the local control aspects of the Indian Self-Determination Act, has stated village concurrence as a requirement before a BIA school may be transferred to a REAA; and the State has concurred with this policy. The Federal policy appears to have a strong base of support as was previously evidenced by the protestations of the village of Toksook when a unilateral take-over policy was enunciated by the REAA board. The State concurrence appears to be based to some extent on the political influence of "bush" legislators as well as on the democratic tradition.

In the democratic tradition, all of the people in all of the villages, including those where Federal schools are in operation, are eligible to vote for REAA school board members and to serve on REAA boards. There are in fact several members of REAA boards who are from such villages, and the writer has been told by Bureau sources and State sources as well that some of these people are committed to the continued operation of Federal schools. Although in the tradition of American education the authority and privilege of electing school boards is considered as "local control," the matter of requiring approval of the village for concurrence of school transfer appears to be a form of individual community "local control."

Bureau officials believe that the Indian Self-Determination Act really gives them no alternative to the policy of village concurrence, and the Area Director notes that the Bureau will accept as evidence of concurrence the action of the elected village council, not that of the traditional village council or the village corporation created under the Alaska Native Claims Settlement Act. The Bureau has further taken the position that it will continue to operate a school in a village so long as a village wants it.

Both State and Bureau officials generally agree that the village attitude will depend a great deal on how well the REAA boards are able to develop a feeling of confidence in their governance, particularly how well local school committees are involved in "local control," and how well the REAA programs develop. The factor of teacher and other staff attitudes is not an impediment toward village concurrence, except perhaps in a few isolated instances. Since the Bureau is not committed to providing secondary schools in villages, the State having agreed to do so, entrance of the REAA into secondary school operations in a village may strongly influence the concurrence of the village in transfer. In short, the villagers appear to be taking a "wait and see" attitude and generally are not pushing for transfer. The State and REAAs, however, may push harder for transfer when secondary schools go into these villages because of administrative and operational problems of a side-by-side system.

Thus, there is general consensus on the part of Bureau and State officials that even if the financial problems involved in the transfer of schools are solved, the actual transfer of schools may take five to ten years or longer. There is also a feeling that as the State oil revenues increase substantially, the State may be less concerned about the financial burden of the transferred schools, and, in turn, the Federal government may be less receptive to providing special transfer funding or school support in Alaska.

Policy Issue: Application of the Indian Self-Determination Act to Native Education in Alaska

> Although the contracting for administration of Federally supported educational services, including the actual operation of village schools in Alaska, appears to be within the broad purview of the Indian Self-Determination Act, would such actions in Alaska be in the best interests of education for rural Alaska Natives?

It has been interpreted by Federal officials that the provisions of the Indian Self-Determination Act with regard to the contracting for services, including education, is within the scope and intent of the Act. The Act defines "Indian" tribes as "any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act." However, this language does not adequately cover the question of tribal identification in Alaska. The regional non-profit corporations created by the Alaska Native Claims Settlement encompass, in at least several instances, more than one "tribe" as defined or interpreted by the Native peoples themselves. The writer has been told that even in the case of village corporations there may be more than one tribe involved insofar as the Natives themselves perceive the tribal situation. As one Native leader expressed to the writer, "They try to tell us what is a tribe but we know our own tribal arrangements--they don't." So, depending on definition, and who is doing the interpreting, there could be as few as twelve or more than 400 tribes in Alaska.

Senator Gravel has proposed legislation that would designate the twelve non-profit regional corporations in Alaska as "tribes" for the purposes of the Act. Generally speaking, the Bureau of Indian Affairs has already recognized this definition in the contracting of services other than education to some regional non-profit corporations. However, in the case of education, the question of contracting for educational services becomes much different for several reasons. For one thing, the majority of the Native children are already served in schools operated by the school districts and the RFAAs. There remain only 44 Federally operated day schools enrolling only about 1,200 of the 90,000 children in the State. For another reason, the policy of the Bureau relating to village concurrence in any matters affecting the continuance or transfer of village schools is unofficially, at least, considered as valid in relation to contracting for school operations. There have been strong indications from some particular villages that they would not want a contract for their school operation to be handled by a regional corporation. Perhaps there is some concern that contracting is a hidden form of the old expressed policy of termination of all Bureau services or that the local control which they desire would become regional control. There is also the concern on the part of Bureau officials, which is probably shared by the individual villages, that when a service is contracted, the contracting agency, such as a regional non-profit corporation, utilizes a substantial amount of the funds available for administration and overhead, resulting in less funds being available for actual conduct of programs of service to the Native peoples.

There have been some moves made toward seeking a contractual relationship for operating schools, such as that of Yupiktak Bista for the Association of Village Council Presidents referred to in the previous chapter. However, this proposal recognized that the village delegates to the Council would have to favor such a move and it proposed a feasibility study.

If a contract or contracts were to be entered into, it would, as the Juneau Area Field Solicitor indicated, actually inject a third type of school operation into the Alaska scene: a "contractual school district," without State recognition or assent; or it might be considered as a private school system. If such contracts were entered into, Bureau officials indicate that they would have to be based on village concurrence, and that retroceding from the contract, or failing to renew it (also with village concurrence), would be required before a school could be transferred to a REAA. This would appear to give the villages the acme of local community "local control."

Bureau officials indicate that in any contracting process guidelines for school operations would have to be developed and that conformance to State minimum standards would probably be required. Both State and Bureau officials express the feeling that such a move would be a poor educational alternative. They feel that there might be a reduction of the actual funds which went into educational programs and that the problems of staffing these schools would tend to impair educational quality.

Policy Issue: The Financing of the Alaska Rural Education Attendance Areas

> The method of financing the REAAs entirely through the State support and in-lieu payments in lieu of local taxes has been pointed out. If "local control" is to be effective in terms of and enhancement of educational opportunities through the exercise of program options, should organizational and financing alternatives be explored which would give these districts a means to supplemental local funding, a privilege which other districts enjoy?

At first glance, this might appear to be a minor issue or one which should not be raised in view of the "full funding" of these schools from State sources and the provision of major maintenance needs and capital costs from State funds. It is not an issue which, to the writer's knowledge, has as yet been raised by the REAAs. But as the pressures from local communities and from parents and students are applied for more special program opportunities, and from the staff and administration for expansion and innovative programs to better meet student needs, the REAA boards are going to be seeking either additional State support or some means of raising supplemental funds through their own actions.

There is, of course, the alternative open to any local community to seek corporate status as a first class city, which under Alaska law would create them as a city school district with powers of taxation, including levying of a sales tax. Or an area could seek incorporation as a borough, automatically creating a borough school district which could be supported in part by borough taxation. There is also the alternative of the legislature enacting a law which would designate every REAA as a third class borough for school purposes.

The first two alternatives mentioned above would be dependent on local or area initiative; but the State, through the Department of Community and Regional Affairs and the Department of Education, could provide leadership and, to some measure, stimulation. However, in any such actions, the corporate entity would then be eligible to hold property and the State would no doubt transfer title to school facilities and would no longer be responsible for major maintenance and total costs of providing facilities. (There is, however, State provision for reimbursement to school districts for 50% or more of their debt service for the provision of school facilities.)

The third alternative, that of the State creating third class boroughs, is legally and practically possible but would appear to be politically unpalatable at the present moment.

It is quite clear that legislation directed toward expressly giving a REAA a measure of taxing authority, such as that of levying a sales tax, would be unconstitutional since the Alaska Constitution vests the taxing power in cities and boroughs and the State itself. A statewide sales tax or property tax for the purpose of funding an educational incentives system such as that noted in the paragraph above is legally possible but has proven politically not viable in the past.

Policy Issue: Providing High School Education for Rural Alaska

> Both the Bureau of Indian Affairs officials and the State Department of Education staff agree that the greatest single problem in Alaskan rural education is that of providing high school education. Because of the pressures of people and particularly through the consent decree arrived at in the Tobeluk case, the State is committed to providing secondary schools for virtually any village which desires one. The broad policy question is whether the small high schools (most of which will be under fifty enrollment), supplemented by the boarding home program and the availability of the Bureau of Indian Affairs single boarding high school, effectively meet the educational needs.

Year-end statistics for the 1975-76 school year showed that among the 176 rural locations where schools were in operation, either under a REAA or the

Bureau of Indian Affairs, there were 24 which had four-year school programs and 11 which had less than four-year programs. Only one of these high schools enrolled more than 250 pupils and most of them enrolled under fifty. Only one high school program, other than the boarding high school at Mt. Edgecumbe, was operated by the Bureau of Indian Affairs and the Bureau, following the Tobeluk decree, will not authorize additional secondary school programs. In the extreme, then, the State could be faced with provision of high school facilities for over 140 additional locations, if the concept of the Tobeluk decree is to be followed throughout the State.

Dissatisfaction with "sending our young people away from home" to a boarding high school or through a boarding home program for purposes of a secondary education led to the Tobeluk case as well as to other pressures for provision of high school facilities. The regional high schools, which were put in operation in the late '60's and early '70's with the provision of dormitory facilities, were not well accepted. The regional schools at Kodiak and Nome were closed and the dormitories transferred to the State--the Kodiak dormitories have since been transferred to the Kodiak Borough and the Nome facilities are largely mothballed. The facilities at Bethel are used by the REAA. The boarding home program has met with some success and still enrolls more than 800 students from rural areas. Mt. Edgecumbe still operates as a boarding high school and will enroll over 400 in the coming year, largely from locations where there is no high school facility available, and perhaps some additional students for short-term special programs. An "area high school" concept advanced by the Governor's Committee in 1968 met with some favor and the Bureau of Indian Affairs sought funds for smaller dorms at three locations, but the plan was later dropped. Proposals for large dormitories at Anchorage and Fairbanks were not well accepted and action did not materialize.

The State Department of Education clearly recognizes the problem of implementing small high schools; it has developed a Small High Schools Manual and continuously looks at small high school program alternatives. A Federally funded program, administered by the Alaska Native Foundation, is designed in part to treat small high school problems.

Construction of secondary facilities, as well as other facilities for the REAAs, falls under the jurisdiction of the Department of Transportation and Public Facilities. Currently, secondary school facilities for more than a dozen locations are either in the design or bid stage, resulting from the 60.0 million dollar bond fund for rural school facilities passed in 1976. The Public Facilities Division is well aware of the tremendous problems involved and is working with education personnel to develop space allocation criteria and standardized energy and sanitation facilities design which might simplify construction in rural areas. They are working on life cycle costing analysis and have developed maintenance guidebooks. They, along with education officials, are trying to carry out the letter and spirit of the Tobeluk decree and the will of the legislature and the people for providing small high school facilities.

However, the tremendous costs in terms of construction and maintenance dollars, current and projected, are only the tangible manifestation of the secondary school problem. The intangible question is whether or not the small high school will really provide the youth in these locations with a reasonably good high school education. There is some reason to believe that the parents and students themselves are beginning to recognize that the educational opportunities thus provided may be too limited, and the local associations are so narrow as to inhibit preparation of the young people for a larger, more competitive world in which they may be thrust.

This issue cannot be easily resolved--perhaps only time and experience will bring it more clearly into focus. However, the issue is stated here because it exemplifies the need for further research and study.

Policy Issue: The Definition of Basic Need

> "Basic Need" as used in the Public School Foundation Program (PSFP) is expressed as a sum of money which is the product of a formula utilizing facts about a district (number of students, types of programs, school location) as well as percentages and dollar values set by statute. Although the term basic need has been used since the PSFP was enacted, it has never been determined whether it means the basic financial need or the basic educational need of a district. With a stated goal of many that the State "...provide 100% of basic need," the lack of a definition leads only to the question, "...100% of what?" Since the PSFP formula is used as a basis for determining State funds for the REAAs, the additional question arises of whether this kind of basic need is adequate in rural Alaska.

The term "Basic Need" first appeared in the Alaska statutes with enactment of the Public School Foundation Program (PSFP) in 1962. Then, as now, basic need was a sum of money, and was intended to be a financial base for expenses of operating the schools. Districts could provide additional funds beyond basic need to meet the expenses of programs not covered by basic need revenues.

Computation of basic need for each district was based upon (1) the teachers' salary allotment (state minimum salary times number of allowable units) plus (2) the average daily membership allotment ($140 times average daily student membership) plus (3) the attendance center allotment (number of attendance centers times $1,000). Higher membership allotment figures were used outside Southeast Alaska. This method of computing basic need was in use until 1970, when the recommendations of an advisory group were used to modify the PSFP substantially.

When the PSFP was revised in 1970, basic need continued to be a sum of money, but it was derived from a different computation method. The state guaranteed payment of 90 percent of basic need with districts providing up to 10 percent of basic need. An equalization feature was added whereby the State would also provide a portion of the local district's share depending upon the relative property wealth of the district. As before, districts could provide additional funds beyond basic need.

Under provisions of the new PSFP, the basic need of a district was the dollar amount determined by multiplying the dollar value of the base instructional unit, or the adjusted value of the base instructional unit for which the district qualifies, by the number of the district's instructional units. An example of determining basic need (based upon 1976-77 rates):

Basic Need Computation

1. Base instructional unit value is $25,000
2. Value of instructional unit is adjusted according to location and access factors ($25,000 x 100% up to 133.75% with an additional 5% of the product if qualified) as well as small size of district
3. Instructional units are based upon number of enrolled students, type of programs in which students are enrolled, and enrollment size of schools and district

The computation:

$______________value (adjusted) of base instructional unit

times ______________number of instructional units

equals $______________basic need

Once basic need was determined, the equalization feature of the PSFP was applied to indicate the amount of basic need to be paid by the state and the amount to be paid by the city or borough school district. In 1976-77 the state guaranteed 95 percent of basic need.

While the computation of basic need is quite precise and there is no disagreement on the method of computing the sum of money that is basic need, problems arise because of various interpretations of the definition of basic need and how to use those monies. The problems currently being encountered stem from these two major questions:

1. Does "basic need" mean the basic financial need of a LEA?

or

2. Does "basic need" mean the basic educational need of a LEA?

or, asked another way,

1. Should the amount of money available determine the educational offerings of a LEA?

or

2. Should the educational offering of a LEA determine the amount of money needed?

But even the answer to these questions will not remedy what may be considered the central problem of definition. That larger problem comes from the word "need."

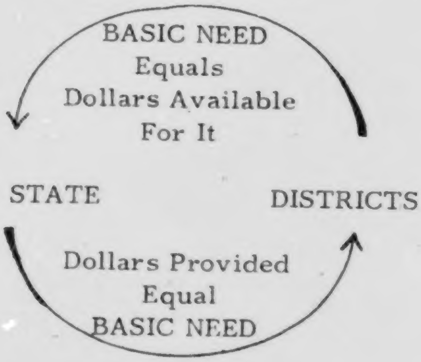
If need is defined as "lack of something," or "a state of circumstances requiring something," then it follows that a sum of dollars is not the need, but rather a resource to alleviate a need either partially or fully. Thus, the dollars fulfill the need, not establish it, leaving still unanswered the question, "What is the need the dollars are supposed to fulfill?"

The problem of defining basic need is further complicated by confusion in the use of terminology. Frequently, "basic education" and "basic need" are used interchangeably. Furthermore, sometimes individuals in discussing school financing and the PSFP use such terms as "100 percent of basic need" and "100 percent of basic education costs" to mean the same thing. "Full state funding" is often used to refer to either "100 percent of basic need" or "100 percent of current operating expenses" (excluding Federal funds). Questions are raised whether the term "basic operating costs of education" means "basic need" or "current operating expenses."

The current dilemma in defining basic need is characterized by:

1. A circular definition in which basic need of a LEA is a sum of money and a sum of money is the basic need of a LEA;

CURRENT DEFINITION



2. Numerous questions about the meaning and purpose of basic need such as

*If the state should provide 100 percent of basic need in all school districts, what would this imply, and what would it cost?
*Why does the basic need sum of money support only 70 percent of current operating expenses in one district and 100 percent in another district?
*Does basic need have applicability to REAAs (as well as to the traditional districts)?
*Should the basic need sum of money be adequate to support a basic education program, and if so, what is the basic education program (in each district, or in the state)?
*Should basic education need be described independently of basic financial need?

3. Polarized interpretations of basic need; and,
4. Confusing use of terminology in describing basic need.

The need for a clarified definition of basic need is more imperative than ever. With the prospect of the State providing 100% of basic need to city and borough districts (REAAs, with no local tax base, already receive 100% of basic need), the question of what it is must be answered. In response to this problem, the Governor's Office and the Department of Education in late 1976 commissioned CNER to prepare a report on strategies for defining basic need. This work was undertaken in connection with the Alaska School Finance Study and included discussion of the basic need question at four regional workshops. The report, Strategies for Defining Basic Need,[57] was issued in June 1977 and identified nine options for defining basic need on either a financial basis or a programmatic basis. Strategies for developing the options were presented. Further use of this report awaits action by the Department of Education.

Other Policy Issues

At least two other policy issues lack resolution in Alaska. The brevity of the description does not imply they are less important than the preceding issues, but that they are just emerging as major issues. State and local positions regarding these issues are being formed, and variations in opinions are considerable, and can change in a period of weeks. As positions become clarified it will be possible to develop a more precise description of the issues.

TEACHER TRAINING

Recruitment and retention of qualified teachers for Alaska's small, rural schools has always been a problem. Efforts to increase the number of Native teachers have had modest success, although there have been more increases in the use of Natives as teacher aides. In-state efforts to train teachers for rural assignments have not met the demand; the alternative of sending new teachers from the lower 48 states, without any orientation to rural and Native Alaska, to a small village school, has been equally non-productive. Several off-campus and field-based programs for rural Alaskans have been moderately successful, but continuity and growth have not been possible because of funding limitations. Generally speaking, the State's willingness to fund needed programs has not been commensurate with the demand for teachers in rural Alaska, teachers who not only have the knowledge and technical skills for teaching, but who have the social maturity and understanding to be effective in a cross-cultural, often bilingual, situation.

BILINGUAL EDUCATION

Although the number of bilingual-bicultural education programs in the schools is increasing, and there are state statutes mandating bilingual education, several districts were found in 1976 to be in non-compliance with respect to Title VI of the Civil Rights Act of 1964 (arising out of the Lau v. Nichols decision of the U.S. Supreme Court). The Federal non-compliance finding for the Alaska Unorganized Borough School District was transferred on July 1, 1976, to most of the Regional Education Attendance Areas without further investigation. This situation has led to jurisdictional disputes within Alaska, numerous meetings and hearings, positive actions on the part of some districts, threats by other districts to forego federal funding, controversy regarding a bilingual-bicultural handbook and regulations proposed to accompany it, and uncertainty throughout the state regarding resolution of the issue. The most recent public announcement on this issue, dated October 12, 1977, is reprinted below in its entirety:

> ### FEDS, STATE BREAK OFF TALKS ON BILINGUAL AID
>
> Juneau (AP)--Negotiations between the state and U.S. office of Civil Rights over a disputed program for bilingual education in Alaska schools have been broken off by federal officials, Education Commissioner Marshall Lind disclosed Tuesday.
>
> Termination of the 1½-year-old talks clears the way for the start of an administrative hearing process over whether 16 rural Alaska school districts should lose about $18 million in federal funds. The hearing is expected to convene Oct. 31.
>
> At issue is the allegation by federal officials that the rural districts are not in compliance with the Civil Rights Act of 1964 because of a lack of bilingual education programs for Native children.
>
> Education Department Officials said the state was clearly committed to bilingual education, but branded demands from the Office of Civil Rights as arbitrary and unreasonable.
>
> 'What OCR seems to forget is that state regulations need to be appropriate for all 51 school districts and not just for the 16 districts held in noncompliance,' said Lind.
>
> For example, Lind said federal officials want the state to administer one particular test for all students in the state to

> determine their dominant language even though the test was designed exclusively for Athabascan Indian children.
>
> 'The test in question has not been validated, and we simply believe it is unreasonable to require districts to use a test which may be detrimental to children by placing them in the wrong classroom.'

Summary

The eight policy issues presented are of utmost importance to the provisions of education for Alaska Natives. The issues are complex, and almost all are interrelated in some manner. Resolution of one issue will have an effect upon the options remaining for resolution of others. While there is general concurrence on the issues of policy, there is much less concurrence on their resolution.

Chapter VIII

RESEARCH QUESTIONS

The current status of education in Alaska, along with the identified policy issues regarding the education of Alaska Natives, gives rise to a number of research questions. The questions which follow are grouped by area of need, although in several instances the questions could well appear in two categories. The list of questions is not exhaustive, but illustrative of the range of opportunities whereby well organized research could provide solutions and alternatives to assist in resolution of the policy issues, thereby contributing to improved education programs and practices.

Area of Need: Organization

1. If a single, uniform system of public education were to be organized in Alaska, what would be the advantages and disadvantages to students? To legislators? To local education agencies? To the Department of Education? To taxpayers?

2. What methods may be undertaken to complete the transfer of Federal BIA schools to the State system? Legislative mandate? A new State-BIA agreement? Federal abandonment? Local initiative? Federal payments to the State?

3. If there is erosion of local and State control of education because of Federal law and intervention, what can be done to alleviate this situation? Should it be alleviated? Should national interest override local objectives? Does it?

4. Does the extraordinary nature of Regional Education Attendance Areas (quasi-State, quasi-local) offend Alaska's local government laws? If so, what are the remedies?

5. What have been the effects of the creation of 21 REAAs in place of the single Alaska Unorganized Borough School District? More local control? Less? Provide the degree of local control expected? More or less aid or intervention by the Department of Education? The Federal government? Encourage or discourage the transfer of BIA schools?

6. If the Indian Basic Education Act (H.R. 9157, introduced September 16, 1977) were enacted in its present form, what would be its effect in Alaska? On the jurisdiction of Regional Education Attendance Areas within which Indian-controlled schools would be located? On the transfer of BIA schools to REAAs? On the State responsibility for education? Upon current State standards for basic education? Upon the role of BIA in the State?

7. What will be the effect of the Indian Self-Determination Act in Alaska? Upon the actions of Natives regarding BIA school transfers? Upon the possibility of operating schools under contract? Upon non-BIA schools in REAAs? Upon nearby city and borough schools?

Area of Need: Finance

1. Does the much amended Public School Foundation Program meet its purposes of basic need funding and equalization for property-poor districts? For city and borough districts? For districts which have no taxing authority (REAAs)?

2. If REAAs meet the test of fiscal neutrality and city and borough districts do not, what are the consequences? With respect to taxpaper equity? With respect to student programs? With respect to local leeway, or the lack of it? With respect to eligibility for P.L. 874 funds?

3. If Alaska's oil wealth should result in the elimination of fiscal constraints upon public school financing, what shifts in decision making would occur? On the part of the legislature? On the part of the State Administration? On the part of local school boards? On the part of other social service agencies?

4. If basic need were to be defined as basic educational need, vis-a-vis the current formula, what would be the consequences? Upon state funding requirements? Upon the equalization portion of the PSFP? Upon state and federal categorical programs?

5. With no property taxes levied in the REAAs, and property taxes levied in city and borough districts for both operating expenses and capital improvement debt retirement, what are the imbalances in equity? For property taxpayers in districts? For State income taxpayers?

6. What are the true cost differences of education in Alaska? By program and type of district? By location (both interdistrict and intradistrict)? By type of management?

7. What are the advantages and disadvantages of the direct funding of BIA schools and Indian-controlled contract schools as proposed by the Indian Basic Education Act? For the State of Alaska? For local education agencies? For BIA area and agency offices? For the students in such schools?

8. As Alaska moves closer to full state funding of education, what are the advantages and disadvantages of such action? Upon long range planning efforts? Upon budgeting and accounting? Upon current bonded debt of city and borough school districts? Upon the absence of limitations on expenditure increases?

Area of Need: Program

1. What are the most feasible means of providing secondary education to students in rural Alaska? Community high schools? Area high schools? Boarding schools? A combination of the above?

2. How can the small high schools now under construction in rural Alaska best meet the needs of Alaska Native students? By a curriculum maintained by classroom teaching, student travel, television? By modular courses taught by itinerant teachers? By a curriculum based on local goals and objectives? By correspondence courses?

3. What kind of secondary school program should be provided in an isolated community where there are 100 high school students? Fifty high school students? Thirty or fewer high school students?

4. What means may be used for the small school (K-12 of 50 or fewer) to comply with the myriad of Federal and State requirements? With respect to special education? With respect to bilingual education? With respect to reporting and surveys?

Area of Need: Facilities

1. What is the best way to provide school facilities in rural Alaska? With respect to control and planning? With respect to materials delivery and construction? With respect to cost, and method of financing?

Area of Need: Students

1. What is the range of educational opportunities open to Alaska Native students? In REAAs? In BIA schools? In city districts? In borough districts? In rural vs. urban schools? In small schools vs. large schools?

2. What factors are most important for success of Native students in school? Teaching style? Dollars spent per student? Size of school? Location in State? Amount and kind of supporting services? Peer or family expectations? Language used for teaching? Kinds of learning materials used? Presence or absence of teacher aides? Teacher qualifications?

Area of Need: Teachers

1. What methods would enable Alaska to meet the need for teachers qualified for small, rural schools? Off-campus and field-based teacher training? Pre-employment orientation programs? Cross-cultural education programs? Teacher exchange programs? Increase in number of Native teachers? Modification of current certification requirements? Other?

APPENDICES

A Bibliography

B Footnotes

C General Agreements Between the State of Alaska and the Bureau of Indian Affairs, March 1, 1962

D BIA Schools Transferred to the State of Alaska, 1967-71

E Locations Where Educational Responsibility Has Been Transferred by BIA to Territory, State, or Local School District

F Correspondence and Events Relevant to School Transfer Problem

G Schools and School Districts in Alaska, July 1, 1976

H Map Showing Location of Schools and School Districts in Alaska, July 1976

I List of State and Federal Officials Interviewed

APPENDIX A

BIBLIOGRAPHY

Books

Anastasi, Anne. Psychological Testing. New York: MacMillan & Co., 1954.
Includes considerable reference to cultural factors as related to testing.

Bancroft, Hubert Howe. History of Alaska, 1730-1885. San Francisco: A.L. Bancroft Co., 1886.
Considered the classic work on early Alaskan history.

Gruening, Ernest. The State of Alaska. New York: Random House, 1954.
A former Territorial Governor, later U.S. Senator, gives a definitive account of Alaska's "colonial" status with much use of original material.

Gruening, Ernest. The Battle for Alaska Statehood. Fairbanks: University of Alaska Press, 1967.
A former Territorial Governor and then incumbent U.S. Senator from Alaska describes the pangs, problems, and ultimate success of the statehood movement.

Hulley, Clarence C. Alaska: 1741-1953. Portland: Binford and Morts, 1958.
A review of Alaska history which includes references to educational development.

Jacquot, Lewis. "Alaska Natives and Alaska Higher Education, 1960-1972." Fairbanks: University of Alaska, Center for Northern Educational Research, 1974.
A reprint of a doctoral dissertation by an Alaska Native giving an historical analysis and insight into current problems, including an extensive bibliography.

Kluckholn, Clyde, and Bogt, Evon. Navaho Means People. Cambridge: Harvard University Press, 1951.
Particularly treats the problem of cultural gap and bridging the gap.

Marsh, William R. North to the Future. Juneau: Alaska Department of Education, 1969.
An Alaska Centennial publication reviewing 100 years of Alaska educational history prepared by a Department of Education professional staff member.

Morehouse, Thomas A., and Fischer, Victor. Borough Government in Alaska. Fairbanks: University of Alaska, 1971.

A report of the implementation of borough government under the Alaska Constitution and Statutes with a special reference to the effect on public education.

Orvik, James, and Barnhardt, Ray, eds. Cultural Influences in Alaska Native Education. Fairbanks: University of Alaska, Center for Northern Educational Research, 1974.

A compilation of papers presented at the Annual Meeting of the Society for Applied Anthropology in Tucson, Arizona, April 1973.

Public Documents

Alaska Department of Education. Annual Report, 1975-76. Juneau: Alaska Department of Education, October 1976.

A narrative and statistical review of the Alaska educational scene for 1975-76.

Alaska Department of Education. 1975-76 Mini-Directory. Juneau: Alaska Department of Education, February 1976.

Alaska Department of Education. Report of A Conference on Alaska Native Secondary Education. Juneau: Alaska Department of Education, December 1968.

A transcript of the proceedings of a conference involving Congressmen, educators, and Native and non-Native peoples called to discuss means of providing secondary education.

U.S. Bureau of Education. Education in Alaska, 1896-97. Chapter XXV of the Report of the Commissioner of Education. Washington, D.C.: Government Printing Office, 1898.

Provides narrative and statistical information on the Bureau's Alaska programs in education.

U.S. Department of Interior. 2(c) Report: Federal Programs and Alaska Natives. 3 vols. Portland, Oregon: U.S. Department of Interior, 1975.

These reports, prepared by Robert Nathan Associates, provide descriptive and statistical analyses of the situation of Native peoples in Alaska and the Federal programs impinging on them.

U.S. Department of Interior. Alaska Native Needs Assessment in Education. 2 vols. Bureau of Indian Affairs, Juneau Area Office, 1974.

Volume I provides an analysis of basic issues in Native education and recommendations for the future role of BIA. In Volume II, author Charles Ray provides an historical perspective of Alaska education, particularly Native, and reviews past and current relationships between State and Federal systems.

U.S. Department of Interior. Juneau Area Activities, 1975-76. Bureau of Indian Affairs, Juneau Area Office, April 1976.
The report of the Area Director, narrative and statistical, of the Bureau's Alaska programs in 1975-76.

U.S. Department of Interior. Progress Report to the Commissioner of Indian Affairs. Bureau of Indian Affairs, Juneau Area Office, 1967.
The Area Director's annual report of activities.

U.S. Department of Interior. Public Education in Alaska. Prepared by Katherine M. Cook. Bulletin No. 12. Washington, D.C.: Government Printing Office, 1936.
A program specialist's review of education, particularly Native, from 1900-1936.

U.S. Federal Field Committee for Alaska. Alaska Natives and the Land. Anchorage, 1971.
A narrative and statistical treatment of factors leading to the Land Claims Settlement.

Articles and Periodicals

____________________ "BIA Sets Take-Over Policy." Tundra Drums. Bethel, Alaska, February 5, 1977.
A reporter's review of transfer policy for BIA schools in a newly created school district.

Greely, John. "The $60 Million Training Exercise." The Alaska Advocate, Anchorage, March 3, 1977.
A report of problems in carrying out the construction programs for Alaska's rural schools.

Halloran, Mary. "The Headaches of Independence." The Alaska Advocate, Anchorage, July 28, 1977.
A report of problems in operating a newly created Alaska school district.

____________________ "Toksook Angry at REAA Take-Over." Tundra Drums, Bethel, Alaska, January 22, 1977.
A report of the attitude of Toksook Bay villagers toward transfer of the elementary school from BIA to the school district (Regional Education Attendance Area).

Tyson, Ray. "Sand Point Fights School Board." The Anchorage Times, August 25, 1977.
A report of a strong difference of opinion between a local community school committee and the governing board of the district.

Reports

Alaska State Board of Education. *A Foundation for Alaska Public Schools*. Juneau: Alaska Department of Education, 1961.

A report of a comprehensive survey of Alaskan schools with recommendations for a foundation support program, prepared by Erick L. Lindman, Director.

Anderson, H. Dewey, and Eels, Walter C. *Alaska Natives*. Stanford, California: Stanford University Press, 1935.

A definitive report of the sociological and educational status of selected groups of Alaska Natives.

Coon, E. Dean; Just, Anne E.; and Waddell, Jerry. *School Finance in Alaska: Report No. 1: An Overview of Current Issues, Sources, and Distribution of Funds for Public Elementary and Secondary Education*. Fairbanks: University of Alaska, Center for Northern Educational Research, 1976.

An overview of current Alaskan educational finance.

Coon, E. Dean, and Just, Anne E. *Strategies for Defining Basic Need*. Fairbanks: University of Alaska, Center for Northern Educational Research, June 1977.

A report to the Department of Education which identifies the methods and options whereby basic need (as used in the public school foundation program) may be defined.

Darnell, Frank; Hecht, Kathryn A.; and Orvik, James M. *Prehigher Education in the Unorganized Borough: Analysis and Recommendations*. Fairbanks: University of Alaska, Center for Northern Educational Research, January 1974.

A report of a year-long study which formed the basis for dissolution of the State-Operated Schools and formation of Regional Education Attendance Area districts in rural Alaska.

Getches, David H. *Law and Alaska Native Education*. Fairbanks: University of Alaska, Center for Northern Educational Research, 1977.

A definitive analysis of the influence of federal and state laws upon the education of rural Alaska Natives.

Getches, David H. *A Primer on Laws Important to Alaska Native Education*. Fairbanks: University of Alaska, Center for Northern Educational Research, 1976.

A review of key statutes, State and Federal, which bear on education, and particularly Native education, in Alaska.

Governor's Committee on Cross-Cultural Education. Time for Change in the Education of Alaska Natives. Fairbanks: University of Alaska, Center for Northern Educational Research, 1971.

Compiled from the Governor's Committee Report and includes a review of comments at hearings by a Senate Sub-Committee on Indian Education.

Kleinfeld, Judith. Alaska's Urban Boarding Home Program. Fairbanks: University of Alaska, Institute of Social, Economic and Government Research, 1972.

Reviews relationships between Native secondary school students and boarding home parents.

Kleinfeld, Judith. A Long Way from Home. Fairbanks: University of Alaska, Center for Northern Educational Research and Institute of Social, Economic and Government Research, 1973.

Examines the effects, including costs and benefits, of sending village children to high schools away from home.

Klineberg, Otto. Race and Psychology. New York: Columbia University Press, 1951.

A report of studies including race as related to intelligence.

Office of the Governor. An Overall Education Plan for Rural Alaska. Juneau: Office of the Governor, 1963.

A report prepared by a committee appointed by the Governor which includes a Memorandum of Agreement between the State and the Bureau of Indian Affairs.

Office of the Governor. An Overall Education Plan for Rural Alaska, Revised. Juneau: Department of Education, 1968.

The previous report revised to reflect changed conditions and programs.

Ray, Charles K. et al. A Program of Education for Alaska Natives. Fairbanks: University of Alaska, 1959.

A pioneering study of the past and existing programs of education for Alaska Natives, noting objectives and results and current problems, with recommendations.

Ray, Charles K. et al. Alaska Native Secondary School Drop-Outs. Fairbanks: University of Alaska, 1962.

An in-depth study of Native secondary education problems including the findings of Seymour Parker, consulting anthropologist.

Rogers, George W. *The Cross-Cultural Economic Situation in the North: The Alaska Case*. Montreal: Arctic Institute of North America, 1969.
A background report including extensive demographic Tables prepared for a symposium on Northern education problems.

Rogers, George W. *Alaska Native Population Trends and Vital Statistics, 1950-85*. Fairbanks: University of Alaska, November 1971.
A useful compendium of statistics showing projected and actual populations.

Rogers, George W. *Alaska's Population and Economy*. 2 vols. Fairbanks: University of Alaska, 1963.
A review, primarily by regions, of Alaska's growth and economic activity.

Tiffany, Warren I. *Education in Northwest Alaska*. Juneau: Bureau of Indian Affairs, 1958.
A review of Native education in Northwest Alaska by a BIA Program Specialist.

Unpublished Material

Dafoe, Don M. "Some Problems in the Education of Native People in Alaska." Unpublished paper, Stanford University, 1959.
A former Territorial Commissioner of Education (1953-59) reviews problems in Native education and Territorial-Federal relationships at the advent of statehood.

Darnell, Frank. "Alaska's Dual Federal-State School System." Ed. D. dissertation, Wayne State University, 1970.
A history and descriptive analysis of the Territorial-State and Federal school systems from 1900-1968, with conclusions and recommendations.

Keller, William K. "Education in Alaska." Unpublished Ed. D. dissertation, State College of Washington, 1941.
A long-time Alaska educator and Territorial Commissioner of Education reviews Alaska educational history and compares and contrasts Territorial and Federal systems.

Koponen, Niilo E. "The History of Education in Alaska." Unpublished Ed. D. dissertation, Harvard University, 1964.
A review of Alaska educational history with special reference to the relationship between Territorial-State and Federal school systems, with many statistical Tables.

Peterson, Jon M. Final Report to School Finance Advisory Council. Juneau: Files of Department of Education, January 1970.

A report by the Project Director of a school finance study commissioned by the Governor.

Peterson, Jon M. Economic Impact and State Policy Change: The Case of Alaska Education. Unpublished Ed. D. dissertation, Stanford University, May 1972.

A detailed review of school financing in Alaska as of 1970 with analysis of legislative responses to changing economic conditions.

Roden, Henry. "Opinion on Responsibility of the Territory of Alaska for Education of Native Children." Files of the Office of Attorney General, Juneau, September 7, 1943.

A landmark opinion making clear the obligation of the Territory to educate Native children but also recognizing the Federal right to provide schools.

Rogers, George W. "An Economic Study Related to Indian Education." Governor's Office, Juneau, 1954.

An analysis of the Territory of Alaska's ability to finance all education, Territorial as well as Federal, prepared by the Governor's economist at the request of the Bureau of Indian Affairs.

Ryan, James C. "The Dual System of Education in Alaska." Files of Department of Education, Juneau, 1949.

A report prepared by Ryan as Territorial Commissioner of Education as a basis for remarks before a U.S. Senate Committee proposing a transfer of Federal schools to the Territory.

Tobeluk v. Lind. Agreement of Settlement. Anchorage: Superior Court for the State of Alaska, September 1976.

A transcript of the agreement reached regarding provision of secondary school opportunities to Native children in their communities of residence. Contains extensive historical and statistical information as well as the agreement for phasing construction of facilities.

APPENDIX B

Footnotes

1. Frank Darnell, Alaska's Dual Federal-State School System: A History and Descriptive Analysis (Michigan: Wayne State University, 1970), p. 1.

2. Ibid., p. 351.

3. Ibid., p. 66.

4. Robert R. Nathan Associates, 2(c) Report: Federal Programs and Alaska Natives (Portland, Oregon: Department of Interior, 1975), Part B, Section 2; Part C, Section 2.

5. Ibid., Part C, Section 1.

6. Hubert Howe Bancroft, History of Alaska, 1730-1885 (San Francisco: A.L. Bancroft Co., 1886), p. 707.

7. William Keller, "Education in Alaska, 1896-97" (Washington, D.C.: U.S. Bureau of Education, Report of the Commissioner of Education, 1898), pp. 18-26.

8. Bancroft, pp. 707-708.

9. William R. Marsh, North to the Future (Juneau: Alaska Department of Education, 1969), p. 9.

10. Ernest Gruening, The State of Alaska (New York: Random House, 1954), Chapter 5.

11. Ibid., pp. 35-36.

12. Ibid., pp. 48-52.

13. Marsh, p. 14.

14. Keller, pp. 59-60.

15. Gruening, p. 361.

16. Darnell, citing U.S. Statutes, p. 157.

17. Ibid., pp. 159-160.

18. Ibid., p. 158.

19. Charles K. Ray, et al, A Program of Education for Alaska Natives (Fairbanks: University of Alaska, 1959), p. 43.

20. Darnell, citing Commissioner of Education Report for 1920, p. 181.

21. Ibid., p. 182.

22. Ibid., p. 184.

23. Ibid., p. 187.

24. Ray, p. 43.

25. Ibid., pp. 47-48.

26. Darnell, citing the Meriam Report, p. 195.

27. Ibid., p. 196.

28. Don M. Dafoe, "Some Problems in the Education of Native People in Alaska" (California: Stanford University, 1959), pp. 36-37.

29. Ibid., p. 37.

30. Ibid., pp. 39-40.

31. Henry Roden, "Opinion on Responsibility of the Territory of Alaska for Education of Native Children" (Juneau: Files of the Office of Attorney General, 1943).

32. Darnell, citing the Ryan Plan, pp. 216-219.

33. Darnell, citing letter of May 17, 1954, from Commissioner of Education Don M. Dafoe to BIA Area Director William Olsen reacting to Olsen's Transfer Plan, pp. 416-419.

34. Darnell, citing letters of August 23, 1954, and February 25, 1955, from the BIA Area Director to the Commissioner of the BIA reacting to the merger plan of Don M. Dafoe, pp. 420-425.

35. Ibid., pp. 423-425.

36. Darnell, citing Report of the Governor of Alaska, 1958, pp. 228-229.

37. Ernest Gruening, The Battle for Alaska Statehood (College, Alaska: University of Alaska Press, 1967).

38. Darnell, pp. 239-241.

39. Darnell, citing Report of the Alaska Commissioner of Education, 1960, p. 236.

40. Darnell, pp. 377-380.

41. Darnell, pp. 243-244.

42. *Progress Report to the Commissioner of Indian Affairs* (Juneau: Bureau of Indian Affairs, 1967) p. 8.

43. Darnell, p. 245.

44. Ibid., pp. 246-247.

45. *Time for Change in the Education of Alaska Natives: A Statement of Preliminary Findings and Recommendations Relating to the Education of Alaska Natives* (Fairbanks: University of Alaska, Center for Northern Educational Research, 1971), Chapter III, pp. 34-52.

46. Darnell, p. 16.

47. *Time for Change*, pp. 14-19.

48. Frank Darnell, Kathryn A. Hecht, and James M. Orvik, *Prehigher Education in the Unorganized Borough: Analysis and Recommendations* (Fairbanks: University of Alaska, Center for Northern Educational Research, 1974).

49. *Alaska Native Needs Assessment in Education: Research and Evaluation Report, Series No. 18* (Juneau: Bureau of Indian Affairs, 1974), Vol. 1, p. v.

50. Ibid., p. 1.

51. Ibid.

52. *Agreement of Settlement*, dated September 13, 1976, Tobeluk v. Lind, No. 72-2450, Alaska Superior Court, Third Judicial Dist. The case has a new name as a result of a change of parties.

53. *Department of Education Annual Report for 1975-76* (Juneau: State Department of Education, 1976), pp. 2-3.

54. E. Dean Coon, Anne E. Just, and Jerry N. Waddell, School Finance in Alaska Report No. 1: An Overview of Current Issues, Sources and Distribution of Funds for Public Elementary and Secondary Education (Fairbanks: University of Alaska, Center for Northern Educational Research, 1976), p. x.

55. Lewis Jacquot, "Alaska Natives and Alaska Higher Education" (Fairbanks: University of Alaska, Center for Northern Educational Research, 1974), Chapter IV, pp. 83-115.

56. Ibid.

57. E. Dean Coon and Anne E. Just, Strategies for Defining Basic Need (Fairbanks: University of Alaska, Center for Northern Educational Research, 1977).

APPENDIX C

General Agreements Between the State of Alaska and the Bureau of Indian Affairs

From North to the Future (Juneau: Department of Education, 1969), pp. 138-139.

Memorandum of General Agreement
State of Alaska – Bureau of Indian Affairs

1. Public Education in Alaska is a primary responsibility of the State of Alaska. This responsibility extends to all children within the State.

2. The State Government will do all that its resources will allow in order to meet the educational requirements of all its children. In the State's continuing effort to do all that might be expected, close attention must be given local participation in the support of public school operations.

3. The educational effort of the Bureau of Indian Affairs in Alaska has been and will continue to be directed toward the attainment of educational goals to which the State and Federal governments are committed but which cannot be attained by the State alone because of financial limitations.

4. It is the mutual goal of the State and Federal governments to establish for all people in Alaska a single system of public elementary and secondary education.

5. All public schools in the State of Alaska should ultimately be included in the State educational system notwithstanding that Federal financial participation will remain essential for some time.

6. It is agreed that there exists today a serious deficiency in the overall educational program in Alaska, particularly with respect to children of high school age who, for lack of facilities, are not in school.

7. It is agreed that a closer coordination will be established between programs of the Federal Government which provide the State with financial aid for education. This will require cooperative planning by the State Department of Education, the U. S. Office of Education, and the Bureau of Indian Affairs. The Bureau of Indian Affairs intends to operate its schools or otherwise fulfill its commitments to the education of Alaskan natives in a fashion consistent with educational policy as it is developed by the State of Alaska. However, it is agreed that State policy should be formulated with full consideration of the limitations of law which govern Federal activities and financial contributions.

8. Although the Bureau has requested funds for planning new school facilities, the plan of the Bureau may be adjusted to conform as closely as possible to the comprehensive educational programs to be developed by the State.

9. It is agreed that the State of Alaska should formulate an overall plan with local participation for (a) expansion of present high school educational facilities, and (b) transfer of Bureau-operated schools to State management and operation. This planning, of necessity, will include Federal financial participation.

10. Such plan as the State formulates will be the basis for further discussions looking toward agreements which will coordinate Federal and State efforts in the educational field.

11. It is especially to be noted that the Bureau in considering such plans as may be advanced by the State has no fixed objection to the location of high school facilities in any particular community, and it is hoped that State plans for school construction at Nome may be utilized within the overall program.

12. It is agreed that the Bureau of Indian Affairs and the State of Alaska consider the establishment of regional comprehensive high schools with necessary domiciliary facilities an acceptable approach in providing secondary education.

13. Nothing in this statement is to be interpreted as a commitment by either the State of Alaska or the Bureau of Indian Affairs to a particular approach in meeting the educational problems in Alaska which are of mutual concern. At such time as the State of Alaska provides policy guidelines for discussion with the Bureau of Indian Affairs it is hoped that a commitment to particular actions may be made at both the State and Federal levels.

(March 1, 1962)

APPENDIX D

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

BIA SCHOOLS TRANSFERRED TO STATE OF ALASKA, 1967-71

Year Transferred		Name of School	Enrollment	Number of Teachers
1971		None		
1970	(14)	Arctic Village	28	1
		Buckland	30	1
		Deering	34	2
		Kivalina	59	2
		Koyuk	39	2
		Noatak	100	4
		Noorvik	153	6
		Point Hope	115	4
		Selawik	129	4
		Shishmaref	70	3
		Shungnak	50	2
		Sleetmute	27	1
		Wales	39	2
		Whate Mountain	43	2
1969	(4)	Chalkyitsik	32	2
		Galena	107	3
		Kaltag	63	2
		Stevens Village	25	2
1968		None		
1967	(10)	Atka	32	1
		Eagle	19	1
		English Bay	22	1
		Koliganek	24	1
		Manokatak	57	2
		Minto	99	2
		New Stuyahok	54	2
		Northway	43	2
		Tanacross	19	1
		Togiak	138	4

Prepared: 11-1-71

From Alaska Native Needs Assessment in Education: Research and Evaluation Report, Series No. 18, Vol. 2 (Juneau: Bureau of Indian Affairs), p. 176.

APPENDIX E

LOCATIONS WHERE EDUCATIONAL RESPONSIBILITY HAS BEEN TRANSFERRED BY BIA TO TERRITORY, STATE, OR LOCAL SCHOOL DISTRICT

School	Date	School	Date
Afognak (Port Lions)	1951	Kasaan	1947
Akutan	1952	Ketchikan	1947
Alitak	1951	King Cove	1952
Anchorage Chignik Bay	1952	Klawock	1948
Angoon	1954	Levelock	1953
Bayview	1947	Metlakatla	1952
Belkofski	1952	Newhalen	1953
Bethel	1947	Nikolski	1952
Chenega	1953	Nome	1947
Chegnik Lake	1960	Nondalton	1953
Chitina	1953	Old Harbor	1951
Circle	1959	Ouzinkie	1951
Copper Center	1951	Perryville	1952
Cordova	1947	Pilot Point	1953
Douglas	1938	Port Graham	1952
Egegik	1953	Rampart	1954
Ekwok	1953	Sand Pt.	1942
Ft. Yokon	1957	Saxman	1949
Fortuna Ledge	1939	Sitka	1947
Haines	1947	Squaw Harbor	1947
Haycock	1943	Tanana	1958
Hoonah	1947	Tatitlek	1953
Hydaburg	1953	Tyonek	1952
Juneau	1947	Unalaska	1945
Kake	1947	Valdez	1946
Kanakanak	1947	Yakutat	1947
Karluk	1952		

1967

Atka
Eagle
English Bay
Koliganek
Manokatak
Minto
New Stryahok
Northway
Tanacross

1969

Chalkyitsik
Galena
Katag
Stavens Village

1970

Arctic Village
Buckland
Deering
Kivalina
Koyuk
Noatak
Noorvik
Point Hope
Selawik
Shishmaref
Shungnak
Sleetmute
Wales
White Mountain

From Alaska Native Needs Assessment in Education: Research and Evaluation Report, Series No. 18, Vol. 2 (Juneau: Bureau of Indian Affairs), pp. 177-178.

APPENDIX E (continued)

LOCATIONS WHERE EDUCATIONAL RESPONSIBILITY HAS BEEN TRANSFERRED BY BIA TO TERRITORY, STATE, OR LOCAL SCHOOL DISTRICT

School	Date	School	Date
Afognak (Port Lions)	1951	Kasaan	1947
Akutan	1952	Ketchikan	1947
Alitak	1951	King Cove	1952
Anchorage Chignik Bay	1952	Klawock	1948
Angoon	1954	Levelock	1953
Bayview	1947	Metlakatla	1952
Belkofski	1952	Newhalen	1953
Bethel	1947	Nikolski	1952
Chenega	1953	Nome	1947
Chignik Lake	1960	Nondalton	1953
Chitina	1953	Old Harbor	1951
Circle	1959	Ouzinkie	1951
Cooper Center	1951	Perryville	1952
Cordova	1947	Pilot Point	1953
Douglas	1938	Port Graham	1952
Egegik	1953	Rampart	1954
Ekwok	1953	Sand Pt.	1952
Ft. Youkon	1957	Saxman	1949
Fortuna Ledge	1939	Sitka	1947
Haines	1947	Squaw Harbor	1947
Haycock	1943	Tanana	1958
Hoonah	1947	Tatitlek	1953
Hydaburg	1953	Tyonek	1952
Juneau	1947	Unalaska	1954
Kake	1947	Valdez	1946
Kanakanak	1947	Yakutat	1947
Karluk	1952		

1967

Atka
Eagle
English Bay
Koliganek
Manokotak
Minto
New Stuyahok
Northway
Tanacross
Togiak

1969

Chalkyitsik
Galena
Kaltag
Stevens Village

1970

Actic Village
Buckland
Deering
Kivalina
Koyuk
Noatak
Noorvik
Pt. Hope
Shishmaref
Selawik
Shunguak
Sleetmute
Wales
White Mountain

APPENDIX F

Correspondence and Events Relevant to School Transfer Problem

The following chronological listing of correspondence, exchanges or proposals, and opinions, with annotations, was abstracted from material assembled for consideration by the BIA Task Force on School Transfers. The selection is not all-inclusive but rather illustrative of both progress and concerns.

1. August 1972. An "in-house" position paper of the Department of Education indicated that the "mutual readiness" concept of past years wherein villagers must be receptive to transfer of a BIA school was a possible deterring factor. It suggested that the transfer decision might better be at the agency level with notification to the village. The paper estimated that the net cost to the State for accepting 50 BIA day schools, considering that P.L. 874 would offset about half of the cost, would be about $3,200,000. (3,200 pupils @ $2,000 per pupil = $6,400,000 less $3,200,000 P.L. 874). The BIA would be asked to provide supplemental funds. The paper suggested that schools be accepted with "Legislative assent" because of future financial implications for the State.

2. August 8, 1972. The BIA Area Director posed questions to the Federal Solicitor including the question as to whether the provisions of the Indian Self-Determination Act precluded the Bureau from negotiating transfer of schools with the State.

3. May 17, 1973. The Federal Solicitor responded to the effect that the current agreements with the State regarding transfers (basically the 1968 plan and mutual readiness concept) had the elements of a "contract" and should not be unilaterally breached because of any apparent policy conflict. He advised against the encouragement of formation of "self-determination districts" because to do so would inject still another type of district into the Alaska system and would be an impediment to unification of the systems.

4. August 1974. At a meeting of the Alaska State-Operated Schools Board, Commissioner Lind reported that meetings had been held with BIA regarding school transfers and tentative plans had been discussed. The plan suggested State takeover in villages where the State had or was soon to have secondary school facilities. He noted that the question of mutual readiness was confusing the school transfer program. He noted that it was important to make some tentative plans so that necessary funding could be requested in the State budgets on a phased basis. The ASOS Board moved to request funds in the amount of $3,888,000 for the possible take-over of 14 schools in the 75-76 school year. IT IS IMPORTANT TO NOTE THAT ASOS HAD NOW ENTERED THE SCHOOL TRANSFER PICTURE, WITH THE APPARENT CONCURRENCE OF THE DEPARTMENT OF EDUCATION. THE COMMISSIONER'S ACTIONS INDICATED A RECOGNITION OF THE STATE ULTIMATELY SUPPORTING TRANSFER SCHOOLS WITH STATE FUNDS PLUS P.L. 874 AND JOHNSON O'MALLEY FUNDS.

5. October 2, 1974. Replying to the Yupiktak Bista letter, the Area Director for Education noted that the plans discussed at the ASOS Board meeting were only tentative, that the concept of concurrence by the villages was still valid, and local communities would be involved in the decision process. He pointed out, however, that it was necessary for the State to make some long-range budget plans since it was possible schools might go to ASOS or local areas might organize as school districts under Alaska law.

7. March 1975. The Governor signed SB 35, the Act providing for the elimination of the Alaska State-Operated School System and the establishment of 21 Regional Education Attendance Areas. (A.S. Title 14 Sec. 14.08.031, October 1975.) The implementation of this legislation has been discussed in a previous section of this paper. IT IS IMPORTANT TO NOTE, HOWEVER, THAT NOW ALL OF ALASKA IS ORGANIZED INTO SCHOOL DISTRICTS AND THAT A FEDERAL AGENCY IS OPERATING APPROXIMATELY FIFTY SCHOOLS WITHIN THE BORDERS OF SEVEN OF THESE DISTRICTS. THE DISTRICTS ARE NOT ENTIRELY AUTONOMOUS, HOWEVER, FOR THEY ARE ENTIRELY FUNDED THROUGH THE STATE AND THE STATE IS RESPONSIBLE FOR FACILITIES. THEREFORE, THE STATE HAS A CONTINUING INTEREST IN AND A RESPONSIBILITY, MORAL IF NOT LEGAL, TO BE INVOLVED IN THE QUESTION OF SCHOOL TRANSFERS.

8. June 15, 1975. The Governor signed into law as Chapter 150, SLA 1975, an Act which related to the transfer of federal agency schools and provided that teachers who wished to transfer would be placed on the salary schedule at no less than his or her current salary; that a transferring teacher holding a valid Alaska certificate and having taught two or more years in the Federal school would be placed on tenure; that sick leave accumulated while teaching in Alaska could be transferred; and that credit toward retirement would be allowed on the basis of up to ten years credit on a buy-in arrangement (the same as for any teacher entering from outside Alaska). THIS ACTION SERVED TO CLEAR UP ONE OF THE IMPEDIMENTS TO TRANSFER--TEACHERS IN BUREAU SCHOOLS HAD BEEN CONCERNED ABOUT THE LOSS OF SALARY, LEAVE, RETIREMENT, ETC.

9. January 1976. Draft letter from Chairman, State Board of Education, to Area Director of the BIA for discussion purposes. The letter pointed out that with the creation of the REAAs qualified voters in villages served by BIA schools are eligible to vote for and serve on REAA boards, citing the example of Kotzebue, where the BIA operated the school, having five seats on the REAA board. The letter then formally requested the transfer of eight schools in locations where the State is operating secondary programs. The letter also noted that the State Board has directed the Department staff to work with the BIA in addressing the problem of transition of the remaining BIA schools to state control.

10. February 2, 1976. Deputy Area Director's memorandum report of a meeting with the State Board of Education on January 30. The report noted that the Area Director had expressed concern that the commitment to local villages under the

self-determination policies and regulations has made school transfer decisions more difficult. He felt that REAA boards should have a voice in the transfer decisions, and suggested only two schools be transferred at this time. He agreed that discussions should be generated toward revision of present agreements. It was agreed that REAA boards and BIA employees should be informed on discussions, progress, and plans.

11. March 19, 1976. Memorandum from Area Director to Commissioner of Indian Affairs. The memorandum notes that discussions are being held concerning school transfers and that one of the problem areas is the question of upgrading school facilities to meet State standards and the availability of Federal dollars for such purpose.

12. March 26, 1976. Letters from Area Director to REAA boards. The Area Director noted the change which had been brought about by the creation of the REAAs and that the assumption and control of BIA schools within an REAA border hinges upon the board's desire to assume the responsibility. He suggested that any proposals for assumption of BIA school operations be first discussed with the affected community with a view toward gaining their concurrence. This should be followed by a Board resolution forwarded to the Area Director by April 15.

13. March 26, 1976. Memoranda from the Area Director to Educational employees at BIA day schools. The memoranda refer to the change which has occurred with the creation of the REAAs, and state: "This will be the new legal State entity which the Bureau will primarily deal with in terms of educational services in rural Alaska." The Director noted that under the Indian Self-Determination Act it would be possible for the Bureau to contract with Native Tribal entities for school operations, but to date no such contracts had been entered into. However, he noted that they would not contract with an REAA, although direct transfers would be possible.

14. April 13, 1976. Letter from Area Director to the Chairperson of the Northwest REAA acknowledging receipt of the request for Kiana and Kotzebue day schools to be transferred to the district. (This transfer was later effected.)

15. April 7, 1976. Commissioner Lind transmits a proposed Memorandum of Agreement to the Area Director. Essentially the proposal expressed the State's willingness to assume operational authority where the REAA board has expressed willingness to accept the schools, to assume title to property or a use permit, if the schools are up to State standards, with the BIA agreeing to provide funding of the entire difference between funds received by the State under P.L. 874 and the state funding formula for the particular site on a declining basis over a five-year period. It also requested BIA funding to the extent available to provide upgrading of facilities and new facilities.

16. May 1 and May 8, 1976. The Lower Yukon REAA submitted resolutions regarding the transfer of four schools.

17. April 16, 1976. Area Director responds to State proposal, objecting to several points; particularly those related to continued financing for operations and financing of capital improvements. The letter also noted that the BIA felt that perhaps the State proposal put undue pressure on the REAAs to assume responsibility for schools operated by the Bureau and noted that the Bureau was planning to continue operations.

18. August 13, 1976. A letter from Commissioner of Indian Affairs Thompson to Senator Stevens (Alaska) refers to requests for supplemental funding from the Northwest REAA in taking over the Kiana and Kotzebue schools.

19. August 23, 1976. A letter from Senator Stevens to the Acting Area Director notes that as Ranking Minority Member of the Interior Appropriations Subcommittee it is possible that he could secure additional funds to meet one-time costs associated with school transfers.

20. August 24, 1976. A letter from the Area Director to George White, Northwest REAA superintendent, refers to the REAA's request for supplemental funding and asks additional information.

21. September 2, 1976. A memorandum from the Assistant Area Director for Education to the Area Director makes reference to the Stevens correspondence and indicates that the State had in early June resubmitted a proposal which was substantially the same as the April proposal. It also noted that a late July meeting with Department of Education staff had provided no further resolution. THE MEMORANDUM STATED THE BUREAU'S POSITION THAT SCHOOLS WOULD BE TRANSFERRED "AS IS, WHERE IS": WHEN A REAA TOOK OVER A SCHOOL THE BIA WOULD MAKE AVAILABLE ALL ADVANCE PROCUREMENTS AND WOULD CARRY OUT COMMITTED FACILITIES IMPROVEMENTS BUT WOULD ASSUME NO FURTHER RESPONSIBILITY FOR OPERATIONAL COSTS. However, it indicated that special program needs to assure no loss of program services, such as the Kotzebue and Kiana requests, could be considered on a special request basis. (Note: The budgeting process for BIA operations in Alaska apparently provides funds largely on the basis of the previous year with inflationary and other increases--however, the appropriations are not on a line item school-by-school basis and the Area Director appears to have considerable discretion in allocating and re-allocating funds.)

22. November 8-9, 1976. A conference on the transfer of BIA schools was held in Juneau. REAAs were also involved. The State presented a "revised" Memorandum of Agreement proposal which was substantially the same as the April and June submittals. However, this proposal made particular reference to the contracts which the Bureau had for utility costs at various locations with Alaska Village Electric Cooperative which in effect subsidized community electric, water, and sewer services. An accompanying "fact sheet" indicated that the total cost to the Federal government if all remaining BIA schools were transferred under the State proposal would be approximately $30,000,000 from 1977-84 while the cost to the State during the same period would be over $137,000,000, thus representing a net "savings" of over $107,000,000 to the Federal government.

23. November 16, 1976. The Area Director sent letters to all REAA Boards asking that any requests for transfers of schools be submitted no later than January 1, 1977, and asking that village concurrence be gained prior to taking Board action.

24. November 1976. Yupiktak Bista states its position on school transfers, citing the Indian Self-Determination Act under which, in their opinion, Native peoples could determine whether they wanted to contract to operate schools and the conflict with apparent authority given to the REAAs to take over schools. They expressed opposition to further transfers, citing the fiscal instability of the REAAs and the failure of the State to provide sufficient funds; stating that villages should not be asked to vote on transfer until the REAAs had proven themselves as viable educational districts.

25. November 22, 1976. The Lower Kuskokwim REAA board adopted a policy of assuming operation of BIA day schools in each village where a district-operated high school program is established. When this action became known the villagers of Toksook became aroused and objected to the policy.

26. December 1976. The Area Director suggested a Memorandum of Agreement which ignored, and in effect rejected, the State's proposal for continued funding on a declining basis and the question of upgrading or replacing facilities. It did recognize the possibility of supplementing a transferred school's budget to prevent serious loss of programs, on a case-by-case basis, and proposed to proceed with procurement of supplies for the school program, including lunch service and utility contracts, for one year. Subsequently, the proposal was amended to a "final offer" of two-year funding for teacher aides, two-year funding of food service, and initial start-up costs for the year of transfer.

27. December 2, 1976. The Yupiktak Bista gave notice of intent to seek to contract for the operation of 28 schools in the region contingent upon authorization by the Association of Village Council Presidents delegates to undertake a feasibility study, and, if the study showed feasibility, consent from the villages. Subsequently, in a letter to Mr. Frank Darnell, CNER, dated December 28, the Executive Director of Yupiktak Bista, Carl Jack, indicated that this action was not in opposition to REAAs' taking over BIA schools, but was an interim measure to prevent a decrease in the quality of education until there was assurance of adequate funding of transferred BIA schools. (The writer did not find a record of any official response to the Yupiktak Bista notice of intent. However, he did learn that it has been followed up with a specific request for the feasibility study. BIA staff has indicated there are no funds available for this purpose.)

28. January 3, 1977. Letter from the Area Director to Alaska Governor Hammond. The letter refers to a meeting with the Governor and Commissioner Lind the previous week in which the State officials rejected the Bureau proposal of December. The Director recapped the proposal: to transfer schools with a year's supply of fuel,

foodstuffs for the hot lunch program, and all necessary start-up school supplies; willingness to fund the hot lunch program for two school years, and the teacher-aide program for two years; willingness to complete any new construction or major improvement projects already scheduled; and willingness to transfer all buildings and facilities and real property to the State wherever statutes permitted. (At some locations title is affected by the Native Land Claims Settlement.) In turn, he requested that facilities be accepted "as is, where is" and that the Bureau be relieved of the responsibility for the Alaska Village Electric Cooperative contracts. The following excerpt from the letter bears direct quotation:

> The unfortunate aspect of your decision is that the six schools that we transferred to the REAAs last year, and more importantly, the children in those schools, will be the ones that will likely suffer because of your decision. Based on our inability to reach an agreement with you, we must notify the affected REAAs that our Bureau will not be providing any financial support to their districts. The Northwest REAA indicated to us that if no BIA support were possible, they would be forced to terminate their hot lunch program, their Teacher-Aide program, and likely reduce their maintenance and teacher staffs.

The Director's letter also noted that the only legal mechanism the Bureau had for transferring funds to the State was through the Johnson O'Malley Act.

29. January 10, 1977. Acting Area Director Moore notified Superintendent White, Northwest REAA, of the Governor's rejection of the BIA offer and stated that because of the inability to reach agreement none of the financial support which he had requested could be provided. However, subsequently funds in the amount of over $400,000 were provided directly to the REAA.

30. January 19, 1977. In a letter to Acting Commissioner of Indian Affairs, Governor Hammond noted the impasse which had developed, stating that the major areas of disagreement were over continuation of supplemental assistance to transferred schools; the provision of funding to the State of the difference between normal State entitlement plus P.L. 874 receipts; and the State's actual expenditures for support of a transferred school for a five-year period on a declining basis. He stated that further transfers could not occur unless agreement were reached and gave an example of savings to the Federal government through the transfer process.

31. January 20, 1977. The Juneau Area Director in a letter to the Governor officially terminated the existing agreement between the Bureau and the State on school transfers (the 1968 Overall Plan) on the grounds that it was outmoded and in conflict with the Self-Determination Act and inappropriate under the new REAA school district statute. He indicated willingness to reopen negotiations.

32. January 21, 1977. Governor Hammond's letter to Secretary Andrus. The Governor reiterated much of the information contained in his letter to the BIA Com-

missioner. He further cited the potential future savings to the Federal Government. Most importantly, he referred to the Area Director's action in denying any special assistance to REAAs for schools already transferred because of the State's rejection of the BIA "final offer," noting the Director's apparent intent to reprogram funds reserved for these six schools to other BIA programs.

33. January 26, 1977. Area Director's letter to Commissioner Lind stating that because of the Indian Self-Determination Act the BIA policy would be to require village concurrence before the Bureau would agree to transfer a school and that he was notifying the REAAs accordingly. (On February 24 the Commissioner responded to the Area Director, agreeing to the concept of village concurrence.)

34. January 28, 1977. Assistant Area Director Kowalczyk, addressing the Alaska Village Electric Cooperative Convention in Bethel, reviewed the negotiations between the Bureau and the State concerning school transfers and clearly stated the Bureau policy that without concurrence of the affected village there would be no school transfer.

35. February 15, 1977. The Commissioner of Indian Affairs notified the Area Director and Governor Hammond of the creation of a Task Force on Alaskan School Transfer consisting of Bureau personnel under the direction of Dr. Henry Rosenbluth as the Commissioner's representative.

36. February 28, 1977. Commissioner Lind's letter to Senator Stevens, as a follow-up to earlier discussions with the Senator in Washington. The letter indicates that the Senator had expressed willingness to seek a line item appropriation in the Department of Interior budget for schools which had transferred to the State in 1976 and for future transferred schools. The letter noted the State's proposal for phased five-year financing of cost differences, stating that the total cost to the Federal government over a projected ten-year transfer period would be about $32,700,000. For the six schools transferred in 1976, which he noted included about one-third of all BIA day school enrollments in the State, he cited the need for an amount of approximately $2,119,000. He further requested support for supplemental transitional funding to REAAs which assumed programs, estimating that $3,000,000 would be required over a ten-year period.

APPENDIX G
Schools and School Districts

Appendices*

Appendix A

Schools and School Districts

Appendix A-1

Schools in the Unorganized Borough, by REAA, July 1976

Note: Bureau of Indian Affairs Schools are not under REAA jurisdiction but are shown here for information purposes. Grade levels and number of students are estimated from Spring 1976 figures for BIA and from Fall 1976 figures for REAA.

REAA Number	Regional Education Attendance Area (Administrative Headquarters) REAA Schools *BIA Schools*	Grade Levels	Est. no. students in ADM
1	Northwest Arctic Schools (Kotzebue)		
	Ambler	1-8	54
	Buckland	1-8	43
	Deering	1-12	29
	Kiana	K-12	121
	Kivalina	1-12	68
	Kobuk	1-7	13
	Kotzebue	K-12	625
	Noatak	1-9	100
	Noorvik	1-12	182
	Shungnak	1-9	58
2	Bering Straits Schools (Nome)		
	Brevig Mission	*1-8*	*38*
	Council	1-8	8
	Diomede	*1-8*	*35*
	Elim	*1-8*	*38*
	Gambell	*1-8*	*99*
	Golovin	*1-8*	*27*
	Koyuk	1-8	30
	St. Michael	*1-8*	*50*
	Savoonga	*1-8*	*108*
	Shaktoolik	*1-8*	*28*
	Shishmaref	1-8	69
	Stebbins	*1-8*	*60*
	Teller	1-8	36
	Unalakleet	*K-8*	*126*
	Wales	1-8	19
	White Mountain	1-8	17
3	Lower Yukon Schools (Mountain Village)		
	Alakanuk Elementary	*1-8*	*140*
	Alakanuk	9-12	46
	Chevak	*1-8*	*130*
	Emmonak	K-12	221
	Fortuna Ledge/Marshall	1-8	45
	Hooper Bay	K-12	216
	Kotlik	*K-8*	*99*
	Mountain Village	*K-6*	*172*
	Mountain Village	7-12	70
	Pilot Station	*1-8*	*85*
	Pitka's Point	1-8	30
	Russian Mission	1-8	31
	Scammon Bay	*1-8*	*56*
	Sheldon Point	*1-8*	*32*
4	Lower Kuskokwim (Bethel)		
	Akiakchak	*K-8*	*99*
	Akiak	*1-8*	*46*
	Atmautluak	1-8	43
	Bethel	1-12	1,249
	Chefornak	*1-8*	*51*
	Eek	*1-8*	*52*
	Goodnews Bay	*1-8*	*81*
	Kasigluk	*1-8*	*72*
	Kipnuk	*K-8*	*108*
	Kongiganak	1-9	74
	Kwethluk	*K-8*	*127*
	Kwigillingok	*1-8*	*68*
	Mekoryuk	*1-8*	*62*
	Napakiak	*1-8*	*78*
	Napaskiak	*1-8*	*72*
	Newtok	*1-9*	*45*
	Nightmute	*1-8*	*42*
	Nunapitchuk	*1-9*	*97*
	Oscarville	*1-8*	*8*
	Platinum	1-8	19
	Quinhagak	*1-8*	*93*
	Toksook Bay	*1-8*	*92*

---

*From School Finance in Alaska Report No. 1 (Fairbanks: University of Alaska, Center for Northern Educational Research, 1976), pp.39-42.

APPENDIX G (continued)

REAA Number	REAA Schools *BIA Schools*	Grade Levels	Est. no. students in ADM
	Tuluksak	*1-8*	*58*
	Tuntutuliak	*1-8*	*57*
	Tununak	*K-8*	*91*
5	Kuspuk Schools (Aniak)		
	Aniak	1-12	116
	Chuathbaluk	1-8	37
	Crooked Creek	1-8	34
	Kalskag — Lower	1-8	25
	Kalskag	1-8	53
	Red Devil	K-8	10
	Sleetmute	1-8	28
	Stony River	1-8	20
6	Southwest Region Schools (Dillingham)		
	Aleknagik	1-8	20
	Aleknagik — North Shore	1-5	17
	Clark's Point	1-8	23
	Ekwok	1-8	32
	Koliganek	K-8	40
	Levelock	1-8	21
	Manokotak	1-10	100
	New Stuyahok	1-9	87
	Portage Creek (Ohgsenakale)	K-8	15
	Togiak	1-11	143
	Twin Hills	K-8	25
7	The Lake and Peninsula Schools (Naknek)		
	Chignik	K-8	27
	Chignik Lagoon	1-8	20
	Chignik Lake (Bay)	1-8	31
	Egegik	K-8	23
	Igiugig	1-8	10
	Ivanof Bay	1-8	8
	Kokhanok	1-8	23
	Newhalen	1-11	69
	Nondalton	K-10	74
	Pedro Bay	5-8	7
	Perryville	1-8	25
	Pilot Point	1-8	13
	Port Heiden	1-10	26
8	Aleutian Chain (Cold Bay)		
	Akutan	1-8	10
	Atka	1-8	12
	Belkofski	1-8	9
	Cold Bay	1-10	27
	False Pass	1-8	10
	Nelson Lagoon	1-8	10
	Nikolski	1-8	10
	Sand Point	K-12	133
9	Pribilof Schools at St. Paul (St. Paul)		
	St. George	1-8	31
	St. Paul	K-10	149
10	Adak Region Schools (Adak)		
	Adak	K-12	650
11	Iditarod Area Schools (McGrath)		
	Anvik	1-8	23
	Grayling	*1-8*	*44*
	Holy Cross	1-10	74
	Lime Village	1-8	15
	McGrath	1-12	122
	Nikolai	1-8	22
	Shageluk	*1-8*	*36*
	Takotna	1-11	10
	Telida	1-8	11
12	Yukon-Koyukuk (Nenana)		
	Allakaket	1-8	40
	Bettles	1-8	14
	Hughes	K-8	21
	Huslia	K-10	62
	Kaltag	1-10	76
	Koyukuk	1-8	35
	Manley Hot Springs	1-10	14
	Minto	1-9	45
	Nulato	1-12	148
	Ruby	1-10	46
	Tanana	K-12	162
13	Yukon Flats (Fort Yukon)		
	Arctic Village	1-8	29
	Beaver	*1-8*	*17*
	Birch Creek	K-7	9
	Chalkyitsik	1-8	23
	Circle	1-8	14
	Fort Yukon	K-12	189
	Rampart	1-6	12
	Stevens Village	1-8	13
	Venetie	*1-8*	*17*
14	Upper Railbelt Schools (Clear)		
	Anderson	K-12	142
	Brown's Court	1-7	12
	Cantwell	1-8	19
	Tri-Valley	K-12	179
15	Delta/Greely Schools (Delta Junction)		
	Delta Greely	K-12	665
	Fort Greely	K-8	135

APPENDIX G (continued)

REAA Number	REAA Schools *BIA Schools*	Grade Levels	Est. no. students in ADM
16	Alaska Gateway Schools (Tok)		
	Dot Lake	1-8	22
	Eagle	1-8	35
	Mentasta Lake	K-7	25
	Northway	K-10	79
	Tetlin	*1-8*	*28*
	Tok	K-12	202
17	Copper River Schools (Glenallen)		
	Chistochina	1-8	32
	Copper Center	1-8	110
	Gakona	1-8	40
	Glenallen	K-12	409
	Kenny Lake	1-8	128
	Paxson	K-8	14
18	Chatham Schools (Angoon)		
	Angoon	1-8	114
	Gustavus	1-6	8
	Klukwan	*1-8*	*9*
	Tenakee Springs	1-8	7
	Larabee (Log Camp)	1-6	20

REAA Number	REAA Schools *BIA Schools*	Grade Levels	Est. no. students in ADM
19	Southeast Island (Ketchikan)		
	Cape Pole	1-8	39
	Coffman Cove	1-8	37
	El Capitan	1-7	10
	Gildersleeve	1-8	9
	Flat Creek	1-8	15
	La Bouchere Bay (Tuxekan)	1-8	20
	Naukati Bay	1-6	11
	New Kasaan	1-8	15
	Port Alice	1-8	17
	Roosevelt Harbor	1-7	13
	Rowan Bay	1-8	21
	St. John's Harbor	1-8	15
	Thorne Bay	1-12	99
	Whale Pass	1-8	19
20	Annette Island Schools (Metlakatla)		
	Annette	1-6	73
	Metlakatla	1-12	331
21	Chugach Schools (Whittier)		
	Tatitlek	K-9	19
	Whittier	1-12	33

Appendix A - 2

Estimated Average Daily Student Membership
City and Borough School Districts and
Regional Education Attendance Areas
Fall 1976

City and Borough Districts	Estimated ADM
Anchorage Borough Schools	39,573
Bristol Bay Borough Schools	276
Cordova City Schools	557
Craig City Schools	151
Dillingham City Schools	407
Fairbanks North Star Borough Schools	12,519
Galena City Schools	146
Haines Borough Schools	469
Hoonah Public Schools	255
Hydaburg City Schools	129
Greater Juneau Borough Schools	4,482
Kake City Schools	205
Kenai Peninsula Borough Schools	5,703
Ketchikan Gateway Borough Schools	2,658
King Cove City Schools	127
Klawock City Schools	57
Kodiak Island Borough Schools	2,208
Matanuska-Susitna Borough Schools	3,472
Nenana City Schools	210
Nome City Schools	856
North Slope Borough Schools	1,084
Pelican City Schools	39
Petersburg City Schools	630
Selawik City Schools	197
Greater Sitka Borough Schools	1,790
Skagway City Schools	235
St. Mary's Public Schools	111
Unalaska City Schools	123
Valdez City Schools	1,181
Wrangell City Schools	617
Yakutat City Schools	190
Total:	80,657

Regional Education Attendance Areas	Estimated ADM
Adak Region Schools	650
Alaska Gateway Schools	403
Aleutian Chain	221
Annette Island Schools	404
Bering Straits Schools	181
Chatham Schools	149
Chugach Schools	52
Copper River Schools	772
Delta/Greely Schools	819
Iditarod Area Schools	277
Kuspuk Schools	357
The Lake and Peninsula Schools	356
Lower Kuskokwim	1,385
Lower Yukon Schools	659
Northwest Arctic Schools	1,301
Pribilof Schools at St. Paul	180
Southeast Islands	438
Southwest Region Schools	523
Upper Railbelt Schools	352
Yukon Flats	295
Yukon-Koyukuk	702
Total:	10,476

APPENDIX H

Map Showing Locations of Schools and School Districts in Alaska, July 1976

LOCATION OF SCHOOLS AND SCHOOL DISTRICTS IN ALASKA - JULY 1, 1976 & ELECTION DISTRICTS - 1965

BOROUGH AND CITY SCHOOL DISTRICTS

① ANCHORAGE BOROUGH SCHOOLS
② BRISTOL BAY BOROUGH SCHOOLS
■③ CORDOVA CITY SCHOOLS
■④ CRAIG CITY SCHOOLS
■⑤ DILLINGHAM CITY SCHOOLS
⑥ FAIRBANKS-NORTH STAR BOROUGH SCHOOLS
■⑦ GALENA CITY SCHOOLS
⑧ HAINES BOROUGH SCHOOLS
■⑨ HOONAH PUBLIC SCHOOLS
■⑩ HYDABURG CITY SCHOOLS
⑪ GREATER JUNEAU BOROUGH SCHOOLS
■⑫ KAKE CITY SCHOOLS
⑬ KENAI PENINSULA BOROUGH SCHOOLS
⑭ KETCHIKAN GATEWAY BOROUGH SCHOOLS
■⑮ KING COVE CITY SCHOOLS
■⑯ KLAWOCK CITY SCHOOLS
⑰ KODIAK ISLAND BOROUGH SCHOOLS
⑱ MATANUSKA-SUSITNA BOROUGH SCHOOLS
■⑲ NENANA CITY SCHOOLS
■⑳ NOME CITY SCHOOLS
㉑ NORTH SLOPE BOROUGH SCHOOLS
■㉒ PELICAN CITY SCHOOLS
■㉓ PETERSBURG CITY SCHOOLS
■㉔ SELAWIK CITY SCHOOLS
㉕ GREATER SITKA BOROUGH SCHOOLS
■㉖ SKAGWAY CITY SCHOOLS
■㉗ ST. MARY'S PUBLIC SCHOOLS
■㉘ UNALASKA CITY SCHOOLS
■㉙ VALDEZ CITY SCHOOLS
■㉚ WRANGELL CITY SCHOOLS
■㉛ YAKUTAT CITY SCHOOLS

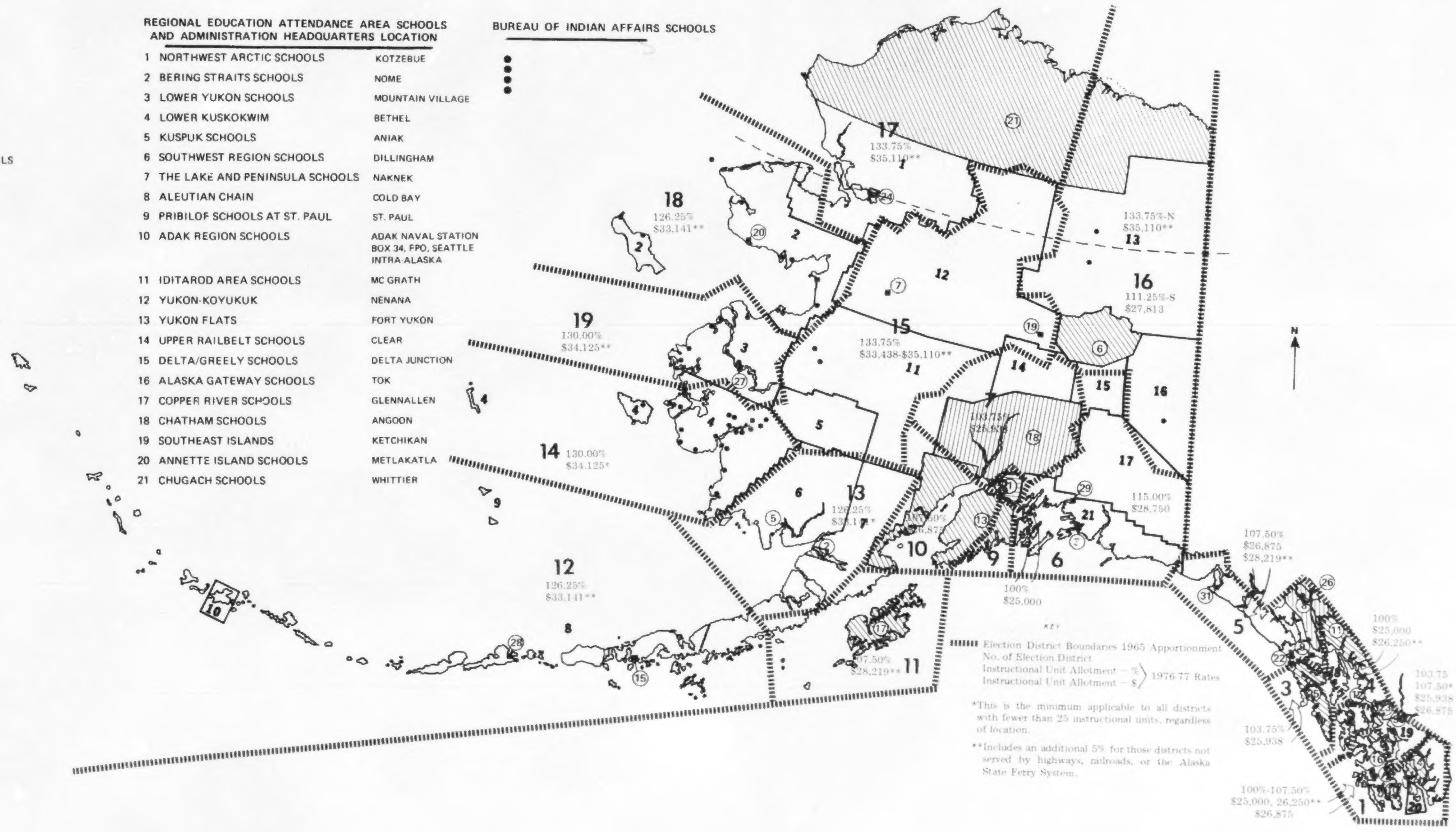
from
School Finance in Alaska
Report No. 1
Center for Northern Educational Research
–1976–

REGIONAL EDUCATION ATTENDANCE AREA SCHOOLS AND ADMINISTRATION HEADQUARTERS LOCATION

1	NORTHWEST ARCTIC SCHOOLS	KOTZEBUE
2	BERING STRAITS SCHOOLS	NOME
3	LOWER YUKON SCHOOLS	MOUNTAIN VILLAGE
4	LOWER KUSKOKWIM	BETHEL
5	KUSPUK SCHOOLS	ANIAK
6	SOUTHWEST REGION SCHOOLS	DILLINGHAM
7	THE LAKE AND PENINSULA SCHOOLS	NAKNEK
8	ALEUTIAN CHAIN	COLD BAY
9	PRIBILOF SCHOOLS AT ST. PAUL	ST. PAUL
10	ADAK REGION SCHOOLS	ADAK NAVAL STATION BOX 34, FPO, SEATTLE INTRA-ALASKA
11	IDITAROD AREA SCHOOLS	MC GRATH
12	YUKON-KOYUKUK	NENANA
13	YUKON FLATS	FORT YUKON
14	UPPER RAILBELT SCHOOLS	CLEAR
15	DELTA/GREELY SCHOOLS	DELTA JUNCTION
16	ALASKA GATEWAY SCHOOLS	TOK
17	COPPER RIVER SCHOOLS	GLENNALLEN
18	CHATHAM SCHOOLS	ANGOON
19	SOUTHEAST ISLANDS	KETCHIKAN
20	ANNETTE ISLAND SCHOOLS	METLAKATLA
21	CHUGACH SCHOOLS	WHITTIER

BUREAU OF INDIAN AFFAIRS SCHOOLS

●



KEY

▮▮▮▮ Election District Boundaries 1965 Apportionment
No. of Election District
Instructional Unit Allotment – % } 1976-77 Rates
Instructional Unit Allotment – $ }

*This is the minimum applicable to all districts with fewer than 25 instructional units, regardless of location.

**Includes an additional 5% for those districts not served by highways, railroads, or the Alaska State Ferry System.

APPENDIX I

List of State and Federal Officials Interviewed

Dr. Marshall Lind, Commissioner of Education, Department of Education, Juneau

Dr. Nathaniel Cole, Deputy Commissioner of Education, Department of Education, Juneau

Mr. Emil Kowalczyk, Assistant Area Director for Education, Juneau Area Office, Bureau of Indian Affairs

Mr. William Brady, Education Officer, Juneau Area Office, Bureau of Indian Affairs

Mr. David Scott, Fiscal Analyst for Education, Office of Legislative Budget and Finance, Juneau

Mr. William Overstreet, Executive Secretary, Association of Alaska School Boards, Juneau

Mr. Donald Harris, Commissioner, Department of Transportation and Public Facilities, Juneau

Mr. Richard Holden, Deputy Commissioner of Transportation and Public Facilities, Juneau